

SENATE, No. 461

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED FEBRUARY 10, 1998

Sponsored by:

Senator WAYNE R. BRYANT

District 5 (Camden and Gloucester)

Senator WILLIAM L. GORMLEY

District 2 (Atlantic)

Co-Sponsored by:

Senators Zane, Girgenti and Robertson

SYNOPSIS

"Uniform Interstate Family Support Act."

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/11/1998)

1 AN ACT concerning support proceedings, supplementing Title 2A of
2 the New Jersey Statutes and repealing P.L.1981, c.243 and sections
3 15 and 16 of P.L.1985, c.278.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 ARTICLE 1
9 GENERAL PROVISIONS

10
11 1. As used in this act:

12 "Child" means a person, whether over or under the age of majority,
13 who is or is alleged to be owed a duty of support by the person's
14 parent or who is or is alleged to be the beneficiary of a support order
15 directed to the parent.

16 "Child support order" means a support order for a child, including
17 a child who has attained the age of majority under the law of the
18 issuing state.

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

22 "Home state" means the state in which a child lived with a parent
23 or a person acting as parent for at least six consecutive months
24 immediately preceding the time of filing of a complaint or comparable
25 pleading for support and, if a child is less than six months old, the state
26 in which the child lived from birth with any of them. A period of
27 temporary absence of any of them is counted as part of the six-month
28 or other period.

29 "Income" includes earnings or other periodic entitlements to money
30 from any source and any other property subject to withholding for
31 support under the law of this State. For the purposes of establishing
32 or modifying a child support order, income is defined by the New
33 Jersey Support Guidelines (Rule 5:6A and Appendix IX of the Rules
34 Governing the Courts of the State of New Jersey).

35 "Income-withholding order" means an order or other legal process
36 directed to an obligor's employer as defined by the "New Jersey Child
37 Support Improvement Act," P.L. , c. (C.)(Pending before the
38 Legislature as Bill No.) to withhold support from the income
39 of the obligor.

40 "Initiating state" means a state from which a proceeding is
41 forwarded or in which a proceeding is filed for forwarding to a
42 responding state under this act or a law or procedure substantially
43 similar to this act, or under a law or procedure substantially similar to
44 the "Uniform Reciprocal Enforcement of Support Act," or the
45 "Revised Uniform Reciprocal Enforcement of Support Act."

46 "Initiating tribunal" means the authorized tribunal in an initiating

1 state.

2 "Issuing state" means the state in which a tribunal issues a support
3 order or renders a judgment determining parentage.

4 "Issuing tribunal" means the tribunal that issues a support order or
5 renders a judgment determining parentage.

6 "Law" includes decisional and statutory law, and rules and
7 regulations having the force of law.

8 "Obligee" means an individual to whom a duty of support is or is
9 alleged to be owed or in whose favor a support order has been issued
10 or a judgment determining parentage has been rendered; a state or
11 political subdivision to which the rights under a duty of support or
12 support order have been assigned or which has independent claims
13 based on financial assistance provided to an individual obligee; or an
14 individual seeking a judgment determining parentage of the individual's
15 child or providing for the support of a child.

16 "Obligor" means an individual, or the estate of a decedent who
17 owes or is alleged to owe a duty of support; who is alleged but has not
18 been adjudicated to be a parent of a child; or who is liable under a
19 support order.

20 "Register" means to record a support order or judgment
21 determining parentage in the registering tribunal.

22 "Registering tribunal" means a tribunal in which a support order is
23 registered.

24 "Responding state" means a state in which a proceeding is filed or
25 to which a proceeding is forwarded for filing from an initiating state
26 under this act or a law substantially similar to this act, or under a law
27 or procedure substantially similar to the "Uniform Reciprocal
28 Enforcement of Support Act," or the "Revised Uniform Reciprocal
29 Enforcement of Support Act."

30 "Responding tribunal" means the authorized tribunal in a responding
31 state.

32 "Spousal-support order" means a support order for a spouse or
33 former spouse of the obligor.

34 "State" means a state of the United States, the District of Columbia,
35 the Commonwealth of Puerto Rico, or any territory or insular
36 possession subject to the jurisdiction of the United States. State
37 includes:

38 a. an Indian tribe; and

39 b. a foreign jurisdiction that has enacted a law or established
40 procedures for issuance and enforcement of support orders which are
41 substantially similar to the procedures under this act or the procedures
42 under the "Uniform Reciprocal Enforcement of Support Act," or the
43 "Revised Uniform Reciprocal Enforcement of Support Act."

44 "State IV-D agency" means the Department of Human Services.

45 "Support enforcement agency" means a public official or agency
46 authorized to seek: enforcement of support orders or laws relating to

1 the duty of support; establishment or modification of child support;
2 determination of parentage; or to locate obligors or their assets. In
3 this State, the Probation Division shall be the support enforcement
4 agency.

5 "Support order" means a judgment, decree, or order, whether
6 temporary, final, or subject to modification, for the benefit of a child,
7 a spouse, or a former spouse, which provides for monetary support,
8 health care coverage, arrearages, or reimbursement, and may include
9 related costs and fees, interest, income withholding, attorney's fees,
10 and other relief.

11 "Tribunal" means a court, administrative agency, or quasi-judicial
12 entity authorized to establish, enforce, or modify support orders or to
13 determine parentage.

14

15 2. The Superior Court, Chancery Division, Family Part is the
16 tribunal of this State.

17

18 3. Remedies provided by this act are cumulative and do not affect
19 the availability of remedies under other law.

20

21 ARTICLE 2
22 JURISDICTION

23

24 PART A
25 EXTENDED PERSONAL JURISDICTION

26

27 4. In a proceeding to establish, enforce, or modify a support order
28 or to determine parentage, a tribunal of this State may exercise
29 personal jurisdiction over a nonresident individual or the individual's
30 guardian or conservator if:

31 a. the individual is personally served with a summons or notice
32 within this State;

33 b. the individual submits to the jurisdiction of this State by consent,
34 by entering a general appearance, or by filing a responsive document
35 having the effect of waiving any contest to personal jurisdiction;

36 c. the individual resided with the child in this State;

37 d. the individual resided in this State and provided prenatal expense
38 or support for the child;

39 e. the child resides in this State as a result of the acts or directives
40 of the individual;

41 f. the individual engaged in sexual intercourse in this State and the
42 child may have been conceived by that act of intercourse; or

43 g. there is any other basis consistent with the constitutions of this
44 State and the United States for the exercise of personal jurisdiction.

45

46 5. A tribunal of this State exercising personal jurisdiction over a

1 nonresident under section 4 of this act may apply section 28 of this act
2 to receive evidence from another state, and section 30 of this act to
3 obtain discovery through a tribunal of another state. In all other
4 respects, sections 13 through 53 of this act do not apply and the
5 tribunal shall apply the procedural and substantive law of this State,
6 including the rules on choice of law other than those established by
7 this act.

8
9 PART B

10 PROCEEDINGS INVOLVING TWO OR MORE STATES

11
12 6. Under this act, a tribunal of this State may serve as an initiating
13 tribunal to forward proceedings to another state and as a responding
14 tribunal for proceedings initiated in another state.

15
16 7. a. A tribunal of this State may exercise jurisdiction to establish
17 a support order if the complaint, petition or comparable pleading is
18 filed after a complaint or comparable pleading is filed in another state
19 only if:

20 (1) the complaint, petition or comparable pleading in this State is
21 filed before the expiration of the time allowed in the other state for
22 filing a responsive pleading challenging the exercise of jurisdiction by
23 the other state;

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

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

27 b. A tribunal of this State may not exercise jurisdiction to establish
28 a support order if the complaint, petition or comparable pleading is
29 filed before a petition or comparable pleading is filed in another state
30 if:

31 (1) the complaint, petition or comparable pleading in the other
32 state is filed before the expiration of the time allowed in this State for
33 filing a responsive pleading challenging the exercise of jurisdiction by
34 this State;

35 (2) the contesting party timely challenges the exercise of
36 jurisdiction in this State; and

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

38
39 8. a. A tribunal of this State issuing a support order consistent
40 with the law of this State has continuing, exclusive jurisdiction over a
41 child support order:

42 (1) as long as this State remains the residence of the obligor, the
43 individual obligee, or the child for whose benefit the support order is
44 issued; or

45 (2) until all of the parties who are individuals have filed written
46 consents with the tribunal of this State for a tribunal of another state

- 1 to modify the order and assume continuing, exclusive jurisdiction.
- 2 b. A tribunal of this State issuing a child support order consistent
3 with the law of this State may not exercise its continuing jurisdiction
4 to modify the order if the order has been modified by a tribunal of
5 another state pursuant to this act or a law substantially similar to this
6 act.
- 7 c. If a child support order of this State is modified by a tribunal of
8 another state pursuant to this act or a law substantially similar to this
9 act, a tribunal of this State loses its continuing, exclusive jurisdiction
10 with regard to prospective enforcement of the order issued in this
11 State and may only:
- 12 (1) enforce the order that was modified as to amounts accruing
13 before the modification;
- 14 (2) enforce nonmodifiable aspects of that order; and
- 15 (3) provide other appropriate relief for violations of that order
16 which occurred before the effective date of the modification.
- 17 d. A tribunal of this State shall recognize the continuing, exclusive
18 jurisdiction of a tribunal of another state which has issued a child
19 support order pursuant to this act or a law substantially similar to this
20 act.
- 21 e. A temporary support order issued ex parte or pending resolution
22 of a jurisdictional conflict does not create continuing, exclusive
23 jurisdiction in the issuing tribunal.
- 24 f. A tribunal of this State issuing a support order consistent with
25 the law of this State has continuing, exclusive jurisdiction over a
26 spousal support order throughout the existence of the support
27 obligation. A tribunal of this State may not modify a spousal support,
28 custody visitation, or non-child support provisions of an order issued
29 by a tribunal of another state having continuing, exclusive jurisdiction
30 over that order under the law of that state.
- 31
- 32 9. a. A tribunal of this State shall serve as an initiating tribunal to
33 request a tribunal of another state to enforce or modify a support
34 order issued in that state.
- 35 b. A tribunal of this State having continuing, exclusive jurisdiction
36 over a support order may act as a responding tribunal to enforce or
37 modify the order. If a party subject to the continuing, exclusive
38 jurisdiction of the tribunal no longer resides in the issuing state, in
39 subsequent proceedings the tribunal may apply section 28 of this act
40 to receive evidence from another state and section 30 of this act to
41 obtain discovery through a tribunal of another state.
- 42 c. A tribunal of this State which lacks continuing, exclusive
43 jurisdiction over a spousal support order may not serve as a
44 responding tribunal to modify a spousal support order of another state.

PART C

RECONCILIATION OF MULTIPLE OBLIGATIONS

10. a. If a proceeding is brought under this act, and only one tribunal has issued a child support order, the order of that tribunal controls and shall be so recognized.

b. If a proceeding is brought under this act, 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, exclusive jurisdiction:

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

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

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

c. If two or more child support obligations have been issued for the same obligor and child and if the obligor or the individual obligee resided in this State, a party may request a tribunal of this State to determine which order controls and shall be recognized under subsection b. of this section. The request shall 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 a determination.

d. The tribunal that issued the controlling order that shall be recognized as controlling under subsection a., b., or c. of this section is the tribunal that has continuing, exclusive jurisdiction.

e. A tribunal of this State which determines by order the identity of the controlling order under paragraphs (1) or (2) of subsection b. of this section or which issues a new controlling order under paragraph (3) of subsection b. of this section shall state in that order the basis upon which the tribunal made its determination.

f. Within 30 days after issuance of the order determining the identity of the controlling order, the party obtaining that 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, but that failure has no effect on the validity or enforceability of the controlling order.

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

7
8 12. Amounts collected and credited for a particular period pursuant
9 to a support order issued by a tribunal of another state must be
10 credited against the amounts accruing or accrued for the same period
11 under a support order issued by a tribunal of this State.

12
13 ARTICLE 3

14 CIVIL PROVISIONS OF GENERAL APPLICATION

15
16 13. a. Except as otherwise provided in this act, this article applies
17 to all proceedings under this act.

18 b. This act provides for the following proceedings:

19 (1) establishment of an order for spousal support or child support
20 pursuant to section 32 of this act;

21 (2) enforcement of a support order and income-withholding order
22 of another state without registration pursuant to sections 33 through
23 39 of this act;

24 (3) registration of an order for spousal support or child support of
25 another state for enforcement pursuant to sections 40 through 53 of
26 this act;

27 (4) modification of an order for child support or spousal support
28 issued by a tribunal of this State pursuant to sections 6 through 9 of
29 this act;

30 (5) registration of an order for child support of another state for
31 modification pursuant to sections 40 through 53 of this act;

32 (6) determination of parentage pursuant to section 54 of this act;
33 and

34 (7) assertion of jurisdiction over nonresidents pursuant to sections
35 4 and 5 of this act.

36 c. An individual or a support enforcement agency may commence
37 a proceeding authorized under this act by filing a complaint, petition
38 or comparable pleading in an initiating tribunal for forwarding to a
39 responding tribunal or by filing a complaint, petition or a comparable
40 pleading directly in a tribunal of another state which has or can obtain
41 personal jurisdiction over the respondent.

42
43 14. A minor parent, or a guardian or other legal representative of
44 a minor parent, may maintain a proceeding on behalf of or for the
45 benefit of the minor's child.

1 15. Except as otherwise provided by this act, a responding tribunal
2 of this State:

3 a. shall apply the procedural and substantive law, including the
4 rules on choice of law, generally applicable to similar proceedings
5 originating in this State and may exercise all powers and provide all
6 remedies available in those proceedings; and

7 b. shall determine the duty of support and the amount payable in
8 accordance with the law and support guidelines of this State.

9

10 16. a. Upon the filing of a complaint, petition or comparable
11 pleading authorized by this act, an initiating tribunal or the support
12 enforcement agency of this State shall forward three copies of the
13 complaint, petition or comparable pleading and its accompanying
14 documents:

15 (1) to the responding tribunal or appropriate support enforcement
16 agency in the responding state; or

17 (2) if the identity of the responding tribunal is unknown, to the
18 state information agency of the responding state with a request that
19 they be forwarded to the appropriate tribunal and that receipt be
20 acknowledged.

21 b. If a responding state has not enacted this act or a law or
22 procedure substantially similar to this act, a tribunal of this State may
23 issue a certificate or other documents and make findings required by
24 the law of the responding state. If the responding state is a foreign
25 jurisdiction, the tribunal may specify the amount of support sought and
26 provide other documents necessary to satisfy the requirements of the
27 responding state.

28

29 17. a. When a responding tribunal of this State receives a
30 complaint, petition or comparable pleading from an initiating tribunal
31 or directly pursuant to subsection c. of section 13 of this act, it shall
32 cause the complaint, petition or comparable pleading to be filed and
33 notify the petitioner where and when it was filed.

34 b. A responding tribunal of this State, to the extent otherwise
35 authorized by law, may do one or more of the following:

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

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

40 (3) order income withholding;

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

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

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

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

46 (8) order an obligor to keep the tribunal informed of the obligor's

- 1 current residential address, telephone number, employer, address of
2 employment, and telephone number at the place of employment;
- 3 (9) issue a bench warrant for an obligor who has failed after proper
4 notice to appear at a hearing ordered by the tribunal and enter the
5 bench warrant in any local and State computer systems for criminal
6 warrants;
- 7 (10) order the obligor to seek appropriate employment by specified
8 methods;
- 9 (11) award reasonable attorney's fees and other fees and costs; and
10 (12) grant any other available remedy.
- 11 c. A responding tribunal of this State shall include in a support
12 order issued under this act, or in the documents accompanying the
13 order, the calculations on which the support order is based.
- 14 d. A responding tribunal of this State may not condition the
15 payment of a support order issued under this act upon compliance by
16 a party with provisions for visitation.
- 17 e. If a responding tribunal of this State issues an order under this
18 act, the tribunal shall send a copy of the order to the petitioner and the
19 respondent and to the initiating tribunal, if any, or may deliver a copy
20 to the parties at the conclusion of a proceeding.
- 21
- 22 18. If a complaint, petition or comparable pleading is received by
23 an inappropriate tribunal of this State, it shall forward the pleading and
24 accompanying documents to an appropriate tribunal in this State or
25 another state and notify the petitioner and the initiating tribunal, if any,
26 where and when the pleading was sent.
- 27
- 28 19. a. A support enforcement agency of this State, upon request,
29 shall provide services to a petitioner in a proceeding under this act.
- 30 b. A support enforcement agency that is providing services to the
31 petitioner, as appropriate, shall:
- 32 (1) take all steps necessary to enable an appropriate tribunal in this
33 State or another state to obtain jurisdiction over the respondent;
- 34 (2) request an appropriate tribunal to set a date, time, and place for
35 a hearing;
- 36 (3) make a reasonable effort to obtain all relevant information,
37 including information as to income and property of the parties;
- 38 (4) within two days, exclusive of Saturdays, Sundays, and legal
39 holidays, after receipt of a written notice from an initiating,
40 responding, or registering tribunal, send a copy of the notice to the
41 petitioner;
- 42 (5) within two days, exclusive of Saturdays, Sundays, and legal
43 holidays, after receipt of a written communication from the respondent
44 or the respondent's attorney, send a copy of the communication to the
45 petitioner; and
- 46 (6) notify the petitioner if jurisdiction over the respondent cannot

1 be obtained.

2 c. This act does not create or negate a relationship of attorney and
3 client or other fiduciary relationship between a support enforcement
4 agency or the attorney for the agency and the individual being assisted
5 by the agency.

6

7 20. If the Attorney General determines that the support
8 enforcement agency is neglecting or refusing to provide services to an
9 individual, the Attorney General may order the agency to perform its
10 duties under this act or may provide those services directly to the
11 individual.

12

13 21. An individual may employ private counsel to represent the
14 individual in proceedings authorized by this act. If the tribunal of this
15 State is acting as a responding tribunal and the petitioner or initiating
16 support enforcement agency has not employed private counsel in this
17 State, the State IV-D agency shall provide legal representation in IV-D
18 cases to the petitioner or the initiating support enforcement agency, if
19 any, in all proceedings brought under this act. The State IV-D agency
20 shall not assess fees or other costs on the petitioner or the initiating
21 support enforcement agency, if any, for such representation.

22

23 22. a. The Administrative Office of the Courts is the State
24 information agency under this act.

25 b. The State information agency shall:

26 (1) compile and maintain a current list, including addresses, of the
27 tribunals in this State which have jurisdiction under this act and any
28 support enforcement agencies in this State and transmit a copy to the
29 state information agency of every other state;

30 (2) maintain a register of tribunals and support enforcement
31 agencies received from other states;

32 (3) forward to the appropriate tribunal in the place in this State in
33 which the individual obligee or the obligor resides, or in which the
34 obligor's property is believed to be located, all documents concerning
35 a proceeding under this act received from the initiating tribunal or the
36 state information agency of the initiating state; and

37 (4) obtain information concerning the location of the obligor and
38 the obligor's property within this State not exempt from execution, by
39 such means as postal verification and federal or state parent locator
40 services, examination of telephone directories, requests for the
41 obligor's address from employers, and examination of governmental
42 records, including to the extent not prohibited by other law, those
43 relating to real property, vital statistics, law enforcement, taxation,
44 motor vehicles, driver's licenses and social security.

45

46 23. a. A petitioner seeking to establish or modify a support order

1 or to determine parentage in a proceeding under this act shall verify
2 the complaint, petition or comparable pleading. Unless otherwise
3 ordered under section 24 of this act, the complaint, petition or
4 comparable pleading or accompanying documents shall provide, so far
5 as known, the name, residential address, and social security numbers
6 of the obligor and the obligee, and the name, sex, residential address,
7 social security number, and date of birth of each child for whom
8 support is sought. The complaint, petition or comparable pleading
9 shall be accompanied by a certified copy of any support order in effect.
10 The complaint, petition or comparable pleading may include any other
11 information that may assist in locating or identifying the respondent.

12 b. The complaint, petition or comparable pleading shall specify the
13 relief sought. The complaint, petition or comparable pleading and
14 accompanying documents shall conform substantially with the
15 requirements imposed by the forms mandated by federal law for use in
16 cases filed by a support enforcement agency.

17

18 24. Upon a finding, which may be made ex parte, that the health,
19 safety, or liberty of a party or child would be unreasonably put at risk
20 by the disclosure of identifying information, or if any existing order so
21 provides, a tribunal shall order that the address of the child or party or
22 other identifying information not be disclosed in a pleading or other
23 document filed in a proceeding under this act.

24

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

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

37 c. The tribunal shall order the payment of costs and reasonable
38 attorney's fees if it determines that a hearing was requested primarily
39 for delay. In a proceeding under sections 33 through 46 of this act,
40 a hearing is presumed to have been requested primarily for delay if a
41 registered support order is confirmed or enforced without change.

42

43 26. a. Participation by a petitioner in a proceeding before a
44 responding tribunal, whether in person, by private attorney, or through
45 services provided by the support enforcement agency, does not confer
46 personal jurisdiction over the petitioner in another proceeding.

1 b. A petitioner is not amenable to service of civil process while
2 physically present in this State to participate in a proceeding under this
3 act.

4 c. The immunity granted by this section does not extend to civil
5 litigation based on acts unrelated to a proceeding under this act
6 committed by a party while present in this State to participate in the
7 proceeding.

8
9 27. A party whose parentage of a child has been previously
10 determined by or pursuant to law may not plead nonparentage as a
11 defense to a proceeding under this act.

12
13 28. a. The physical presence of the petitioner in a responding
14 tribunal of this State is not required for the establishment,
15 enforcement, or modification of a support order or the rendition of a
16 judgment determining parentage.

17 b. A verified complaint, petition or comparable pleading, affidavit,
18 document substantially complying with federally mandated forms, or
19 a document incorporated by reference in any of them, not excluded
20 under the hearsay rule if given in person, is admissible in evidence if
21 given under oath by a party or witness residing in another state.

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

26 d. Copies of bills for testing for parentage, and for prenatal and
27 postnatal health care of the mother and child, furnished to the adverse
28 party at least 10 days before the hearing, are admissible in evidence to
29 prove the amount of the charges billed and that the charges were
30 reasonable, necessary and customary.

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

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

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

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

46 i. The defense of immunity based on the relationship of husband

1 and wife or parent and child does not apply in a proceeding under this
2 act.

3

4 29. A tribunal of this State may communicate with a tribunal of
5 another state in writing, or by telephone or other means, to obtain
6 information concerning the laws of that state, the legal effects of a
7 judgment, decree, or order of that tribunal, and the status of a
8 proceeding in the other state. A tribunal of this State may furnish
9 similar information by similar means to a tribunal of another state.

10

11 30. A tribunal of this State may:

12 a. request a tribunal of another state to assist in obtaining
13 discovery; and

14 b. upon request, compel a person over whom it has jurisdiction to
15 respond to a discovery order issued by a tribunal of another state.

16

17 31. A support enforcement agency shall disburse promptly any
18 amounts received pursuant to a support order, as directed by the
19 order. The agency or tribunal shall furnish to a requesting party or
20 tribunal of another state a certified statement by the custodian of the
21 record of the amounts and dates of all payments received.

22

23 ARTICLE 4

24 ESTABLISHMENT OF SUPPORT ORDER

25

26 32. a. If a support order entitled to recognition under this act has
27 not been issued, a responding tribunal of this State may issue a support
28 order if:

29 (1) the individual seeking the order resides in another state; or

30 (2) the support enforcement agency seeking the order is located in
31 another state.

32 b. The tribunal may issue a temporary child support order if:

33 (1) the respondent has signed a verified statement acknowledging
34 parentage;

35 (2) the respondent has been determined by or pursuant to law to be
36 the parent; or

37 (3) there is other clear and convincing evidence that the respondent
38 is the child's parent.

39 c. Upon finding, after notice and opportunity to be heard, that an
40 obligor owes a duty of support, the tribunal shall issue a support order
41 directed to the obligor and may issue other orders pursuant to section
42 17 of this act.

1 ARTICLE 5
2 ENFORCEMENT OF ORDER OF ANOTHER
3 STATE WITHOUT REGISTRATION
4

5 33. An income-withholding order issued in another state may be
6 sent to the person or entity defined as the obligor's payor under
7 P.L.1981, c.417 (C.2A:17-56.7 et al.), P.L.1985, c.278 (C.2A:17-
8 56.16 et seq.) and P.L. c. (C.)(Pending before the Legislature as
9 Bill No.) without first filing a complaint, petition or comparable
10 pleading or registering the order with a tribunal of this State.

11
12 34. a. Upon receipt of an income-withholding order, the obligor's
13 employer shall immediately provide a copy of the order to the obligor.

14 b. The employer shall treat an income-withholding order issued in
15 another state which appears regular on its face as if it had been issued
16 by a tribunal of this State.

17 c. Except as otherwise provided in subsection d. of this section and
18 section 35 of this act, the employer shall withhold and distribute the
19 funds as directed in the withholding order by complying with terms of
20 the order, which specify:

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

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

25 (3) health care coverage, whether in the form of periodic cash
26 payment, stated as a sum certain, or ordering the obligor to provide
27 health insurance coverage for the child under a policy available
28 through the obligor's employment;

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

32 (5) the amount of periodic payments of arrearages and interest on
33 arrearages, stated as sums certain.

34 d. The employer shall comply with the law of the state of the
35 obligor's principal place of employment for withholding from income
36 with respect to:

37 (1) the employer's fee for processing an income-withholding
38 obligation;

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

41 (3) the time periods within which the employer must implement the
42 withholding order and forward the child support payments.

43
44 35. If an obligor's employer receives multiple orders to withhold
45 support from the earnings of the same obligor, the employer shall be
46 deemed to have satisfied the terms of the multiple orders if the law of

1 the state of the obligor's principal place of employment to establish the
2 priorities for withholding and allocating income withheld for multiple
3 child support obligees is complied with.

4
5 36. An employer who complies with an income-withholding order
6 issued in another state in accordance with this article is not subject to
7 civil liability to an individual or agency with regard to the employer's
8 withholding child support from the obligor's income.

9
10 37. An employer who willfully fails to comply with an income-
11 withholding order issued by another state and received for
12 enforcement is subject to the same penalties that may be imposed for
13 noncompliance with an order issued by a tribunal of this State.

14
15 38. a. An obligor may contest the validity or enforcement of an
16 income-withholding order issued in another state and received directly
17 by an employer in this State in the same manner as if the order had
18 been issued by a tribunal of this State. Section 44 of this act applies
19 to the contest.

20 b. The obligor shall give notice of the contest to:

21 (1) a support enforcement agency providing services to the obligee;

22 (2) each employer that has directly received an income-withholding
23 obligation; and

24 (3) the person or agency designated to receive payments in the
25 income-withholding order or, if no person or agency is designated, to
26 the obligee.

27
28 39. a. A party seeking to enforce a support order or an
29 income-withholding order, or both, issued by a tribunal of another
30 state may send the documents required for registering the order to a
31 support enforcement agency of this State.

32 b. Upon receipt of the documents, the support enforcement
33 agency, without initially seeking to register the order, shall consider
34 and, if appropriate, use any administrative procedure authorized by the
35 law of this State to enforce a support order or an income-withholding
36 order, or both. If the obligor does not contest administrative
37 enforcement, the order need not be registered. If the obligor contests
38 the validity or administrative enforcement of the order, the support
39 enforcement agency shall register the order pursuant to this act.

1 ARTICLE 6
2 ENFORCEMENT AND MODIFICATION OF SUPPORT
3 ORDER AFTER REGISTRATION
4 PART A
5 REGISTRATION AND ENFORCEMENT OF SUPPORT ORDER
6

7 40. A support order or an income-withholding order issued by a
8 tribunal of another state may be registered in this State for
9 enforcement.

10
11 41. a. A support order or income-withholding order of another
12 state may be registered in this State by sending the following
13 documents and information to the appropriate tribunal in this State:

14 (1) a letter of transmittal to the tribunal requesting registration and
15 enforcement;

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

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

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

22 (a) the obligor's address and social security number;

23 (b) the name and address of the obligor's employer and any other
24 source of income of the obligor; and

25 (c) a description and the location of property of the obligor in this
26 State not exempt from execution; and

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

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

32 c. A complaint, petition or comparable pleading seeking a remedy
33 that must be affirmatively sought under other laws of this State may
34 be filed at the same time as the request for registration or later. The
35 pleading must specify the grounds for the remedy sought.

36
37 42. a. A support order or income-withholding order issued in
38 another state is registered when the order is filed in the registering
39 tribunal of this State.

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

43 c. Except as otherwise provided in this article, a tribunal of this
44 State shall recognize and enforce, but not modify, a registered order
45 if the issuing tribunal had jurisdiction.

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

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

6
7 PART B

8 CONTEST OF VALIDITY OR ENFORCEMENT

9
10 44. a. When a support order or income-withholding order issued
11 in another state is registered, the registering tribunal shall notify the
12 nonregistering party. The notice shall be accompanied by a copy of
13 the registered order and the documents and relevant information
14 accompanying the order.

15 b. The notice shall inform the nonregistering party:

16 (1) that a registered order is enforceable as of the date of
17 registration in the same manner as an order issued by a tribunal of this
18 State;

19 (2) that a hearing to contest the validity or enforcement of the
20 registered order shall be requested within 20 days after the date of
21 mailing or personal service of the notice;

22 (3) that failure to contest the validity or enforcement of the
23 registered order in a timely manner will result in confirmation of the
24 order and enforcement of the order and the alleged arrearages and
25 precludes further contest of that order with respect to any matter that
26 could have been asserted; and

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

28 c. Upon registration of an income-withholding order for
29 enforcement, the registering tribunal shall notify the support
30 enforcement agency or the obligor's employer pursuant to the "New
31 Jersey Child Support Program Improvement Act," P.L. , c.
32 (C.)(Pending before the Legislature as Bill No.), P.L.1981, c.417
33 (C.2A:17-56.7 et al.) and P.L.1985, c.278 (C.2A:17-56.16 et seq.).
34

35 45. a. A nonregistering party seeking to contest the validity or
36 enforcement of a registered order in this State shall request a hearing
37 within 20 days after the date of mailing or personal service of notice
38 of the registration. The nonregistering party may seek to vacate the
39 registration, to assert any defense to an allegation of noncompliance
40 with the registered order, or to contest the remedies being sought or
41 the amount of any alleged arrearages pursuant to section 46 of this act.

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

45 c. If a nonregistering party requests a hearing to contest the
46 validity or enforcement of the registered order, the registering tribunal

1 shall schedule the matter for hearing and give notice to the parties of
2 the date, time and place of the hearing.

3
4 46. a. A party contesting the validity or enforcement of a
5 registered order or seeking to vacate the registration has the burden
6 of proving one or more of the following defenses:

7 (1) the issuing tribunal lacked personal jurisdiction over the
8 contesting party;

9 (2) the order was obtained by fraud;

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

12 (4) the issuing tribunal has stayed the order pending appeal;

13 (5) there is a defense under the law of this State to the remedy
14 sought;

15 (6) full or partial payment has been made; or

16 (7) the statute of limitation under section 43 of this act precludes
17 enforcement of some or all of the arrearages.

18 b. If a party presents evidence establishing a full or partial defense
19 under subsection a. of this section, a tribunal may stay enforcement of
20 the registered order, continue the proceeding to permit production of
21 additional relevant evidence, or issue other appropriate orders. An
22 uncontested portion of the registered order may be enforced by all
23 remedies available under the law of this State.

24 c. If the contesting party does not establish a defense under
25 subsection a. of this section to the validity or enforcement of the
26 order, the registering tribunal shall issue an order confirming the order.
27

28 47. Confirmation of a registered order, whether by operation of
29 law or after notice and hearing, precludes further contest of the order
30 with respect to any matter that could have been asserted at the time of
31 registration.
32

33 PART C
34 REGISTRATION AND MODIFICATION OF
35 CHILD SUPPORT ORDER
36

37 48. A party or support enforcement agency seeking to modify, or
38 to modify and enforce, a child support order issued in another state
39 shall register that order in this State in the same manner provided in
40 sections 40 through 43 of this act if the order has not been registered.
41 A complaint, petition or comparable pleading for modification may be
42 filed at the same time as a request for registration, or later. The
43 pleading must specify the grounds for modification.
44

45 49. A tribunal of this State may enforce a child support order of
46 another state registered for purposes of modification, in the same

1 manner as if the order had been issued by a tribunal of this State, but
2 the registered order may be modified only if the requirements of
3 section 50 of this act have been met.

4
5 50. a. After a child support order issued in another state has been
6 registered in this State, the registering tribunal of this State may
7 modify that order only if section 52 of this act does not apply and after
8 notice and hearing it finds that:

9 (1) the following requirements are met:

10 (a) the child, the individual obligee, and the obligor do not reside
11 in the issuing state;

12 (b) a petitioner who is a nonresident of this State seeks
13 modification; and

14 (c) the respondent is subject to the personal jurisdiction of the
15 tribunal of this State; or

16 (2) the child or a party who is an individual is subject to the
17 personal jurisdiction of the tribunal of this State and all of the
18 individual parties have filed written consents in the issuing tribunal for
19 a tribunal of this State to modify the support order and assume
20 continuing, exclusive jurisdiction over the order. However, if the
21 issuing state is a foreign jurisdiction which has not enacted a law or
22 established procedures essentially similar to the procedures under this
23 act, the consent otherwise required of an individual party residing in
24 this State is not required for the tribunal to assume jurisdiction to
25 modify the child support order.

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

30 c. A tribunal of this State may not modify any aspect of a child
31 support order that may not be modified under the law of the issuing
32 state. If two or more tribunals have issued child support orders for the
33 same obligor and child, the order that controls and shall be recognized
34 under the provisions of section 10 of this act establishes the
35 unmodifiable aspects of the support order.

36 d. On issuance of an order modifying a child support order issued
37 in another state, a tribunal of this State becomes the tribunal of
38 continuing, exclusive jurisdiction.

39
40 51. A tribunal of this State shall recognize a modification of its
41 earlier child support order by a tribunal of another state which
42 assumed jurisdiction pursuant to this act or a law substantially similar
43 to this act and, upon request, except as otherwise provided in this act,
44 shall:

45 a. enforce the order that was modified only as to amounts accruing
46 before the modification;

- 1 b. enforce only nonmodifiable aspects of that order;
2 c. provide other appropriate relief only for violations of that order
3 which occurred before the effective date of the modification; and
4 d. recognize the modifying order of the other state, upon
5 registration, for the purpose of enforcement.

6
7 52. a. If all of the individual parties reside in this State and the
8 child does not reside in the issuing state, a tribunal of this State has
9 jurisdiction to enforce and to modify the issuing state's child support
10 order in a proceeding to register that order.

11 b. A tribunal of this State exercising jurisdiction as provided in this
12 section shall apply the provisions of sections 1 through 12 of this act
13 and this section to the enforcement or modification proceeding.
14 Sections 13 through 39 and sections 54 through 56 of this act do not
15 apply and the tribunal shall apply the procedural and substantive law
16 of this State.

17
18 53. Within 30 days after issuance of a modified child support order,
19 the party obtaining the modification shall file a certified copy of the
20 obligation with the issuing tribunal which had continuing, exclusive
21 jurisdiction over the earlier order, and in each tribunal in which the
22 party knows the earlier order has been registered. A party who
23 obtains the order and fails to file a certified copy, is subject to
24 appropriate sanctions by a tribunal in which the issue of failure to file
25 arises. Failure does not affect the validity or enforceability of the
26 modified order of the new tribunal of having continuing, exclusive
27 jurisdiction.

28
29 ARTICLE 7

30 DETERMINATION OF PARENTAGE

31
32 54. a. A tribunal of this State may serve as an initiating or
33 responding tribunal in a proceeding brought under this act or a law or
34 procedure substantially similar to this act, or under a law or procedure
35 substantially similar to the "Uniform Reciprocal Enforcement of
36 Support Act," or the "Revised Uniform Reciprocal Enforcement of
37 Support Act" to determine that the petitioner is a parent of a particular
38 child or to determine that a respondent is a parent of that child.

39 b. In a proceeding to determine parentage, a responding tribunal of
40 this State shall apply the procedural and substantive law of this State,
41 and the rules of this State on choice of law.

42
43 ARTICLE 8

44 INTERSTATE RENDITION

45
46 55. a. For the purposes of this article, "governor" includes an

1 individual performing the functions of governor or the executive
2 authority of a state covered by this act.

3 b. The Governor of this State may:

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

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

10 c. A provision for extradition of individuals not inconsistent with
11 this act applies to the demand even if the individual whose surrender
12 is demanded was not in the demanding state when the crime was
13 allegedly committed and has not fled therefrom.

14

15 56. a. Before making demand that the governor of another state
16 surrender an individual charged criminally in this State with having
17 failed to provide for the support of an obligee, the Governor of this
18 State may require a prosecutor of this State to demonstrate that at
19 least 60 days previously the obligee had initiated proceedings for
20 support pursuant to this act or that the proceeding would be of no
21 avail.

22 b. If, under this act or a law substantially similar to this act, the
23 "Uniform Reciprocal Enforcement of Support Act," or the "Revised
24 Uniform Reciprocal Enforcement of Support Act," the governor of
25 another state makes a demand that the Governor of this State
26 surrender an individual charged criminally in that state with having
27 failed to provide for the support of a child or other individual to whom
28 a duty of support is owed, the Governor may require a prosecutor to
29 investigate the demand and report whether a proceeding for support
30 has been initiated or would be effective. If it appears that a
31 proceeding would be effective but has not been initiated, the Governor
32 may delay honoring the demand for a reasonable time to permit the
33 initiation of a proceeding.

34 c. If a proceeding for support has been initiated and the individual
35 whose rendition is demanded prevails, the Governor may decline to
36 honor the demand. If the petitioner prevails and the individual whose
37 rendition is demanded is subject to a support order, the Governor may
38 decline to honor the demand if the individual is complying with the
39 support order.

40

41

ARTICLE 9

42

MISCELLANEOUS PROVISIONS

43

44 57. This act shall be applied and construed to effectuate its general
45 purpose to make uniform the law with respect to the subject of this act
46 among states enacting it.

1 58. This act may be cited as the "Uniform Interstate Family
2 Support Act."

3
4 59. P.L.1981, c.243 (C.2A:4-30.24 et seq.) and sections 15 and
5 16 of P.L.1985, c.278 (C.2A:17-56.18 and 2A:17-56.19) are repealed.

6
7 60. The repeal of P.L.1981, c.243 (C.2A:4-30.24 et seq.) and
8 sections 15 and 16 of P.L.1985, c.278 (C.2A:17-56.18 and 2A:17-
9 56.19) does not affect pending actions, rights, duties or liabilities
10 based on those repealed laws, nor does it alter, discharge, release or
11 extinguish any penalty, forfeiture, or liability incurred under those
12 laws. After the effective date of this act, all laws repealed shall be
13 treated as remaining in full force and effect for the purpose of
14 sustaining any pending actions or rights filed prior to the effective date
15 of this act and the enforcement of any rights, duties, penalties,
16 forfeitures, or liabilities under the repealed laws.

17
18 61. This act shall take effect immediately.

19
20
21 STATEMENT

22
23 The provisions of this bill reflect the recommendations proposed by
24 the Uniform Interstate Family Support Act (UIFSA). This new law
25 (UIFSA) was designed to completely revise the Revised Uniform
26 Reciprocal Enforcement of Support Act of 1968 (RURESA) which
27 was adopted in New Jersey as P.L.1981, c.243 (C.2A:4-30.24 et seq.).

28 The following is a summary of the provisions of UIFSA:

29 Article 1 provides:

- 30 • A definitional section which differs from RURESA primarily in
31 the use of the term "tribunal" for "court" in recognition of the
32 fact that many states have created administrative agencies to
33 establish, enforce, and modify child support.
34 • That the Superior Court, Chancery Division, Family Part is
35 designated as the tribunal for the establishment, enforcement,
36 or modification of support orders.
37 • That the procedures for establishment, enforcement, or
38 modification of support or a determination of parentage under
39 this act do not preclude the application of general State law.

40 Article 2, Part A asserts what is commonly described as long-arm
41 jurisdiction over a nonresident respondent for purposes of establishing
42 a support order or determining parentage. Part A provides:

- 43 • The bases for long-arm jurisdiction over a nonresident.
44 • That when long-arm jurisdiction is asserted, the provisions of
45 UIFSA are not applicable, with two exceptions. The
46 exceptions allow the tribunal to apply the special rules of

1 evidence and the rules on discovery which are both set forth in
2 Article 3.

3 Article 2, Part B tracks the traditional RURESA action involving
4 residents of separate states. In this situation, the initiating state does
5 not assert personal jurisdiction over the nonresident, but instead
6 forwards the case to another, responding state, which is to assert
7 personal jurisdiction over its resident. Part B provides:

- 8 • For the identification of the roles a tribunal may serve, either
9 as an initiating or a responding tribunal.
- 10 • A method for the one-order system to eliminate the multiple
11 orders common under RURESA. UIFSA resolves conflicts
12 between competing jurisdictional assertions by establishing a
13 priority for the tribunal in the child's home state or if there is
14 no home state, with "first filing."
- 15 • That the issuing tribunal retains continuing, exclusive
16 jurisdiction over the support order except in very narrowly
17 defined circumstances.
- 18 • That a state that enacts this law recognizes the continuing,
19 exclusive jurisdiction of other tribunals over support orders
20 and authorizes the initiation of requests for modification to the
21 issuing state; that a tribunal having continuing, exclusive
22 jurisdiction over a support order may act as a responding
23 tribunal to enforce or modify the order; and that tribunals of
24 the enacting states must adhere to the one-order-at-a-time
25 system.

26 Article 2, Part C is designed to span the gulf between the
27 one-order system of UIFSA and the multiple order system in place
28 under RURESA. Part C provides:

- 29 • For a priority scheme for recognition and enforcement of
30 existing multiple orders regarding the same obligor, obligee or
31 obligees, and the same child.
- 32 • For a method to handle multiple orders involving two or more
33 families of the same obligor by treating all the orders as if they
34 had been issued by a tribunal of this State.
- 35 • That until the one-order system of UIFSA is in place, it is
36 necessary to mandate credit for actual payments made against
37 all existing orders.

38 Article 3 provides:

- 39 • A list of the types of actions authorized by UIFSA.
- 40 • That a minor parent may maintain an action under UIFSA
41 without the appointment of a guardian ad litem, even if the law
42 of the jurisdiction requires a guardian for an in-state case.
- 43 • That a tribunal will have the same powers in an action
44 involving interstate parties as it has in an intrastate case, which
45 will insure the efficient processing of interstate support cases.
- 46 • For the duties of the initiating tribunal which consist of

- 1 forwarding the required documents.
- 2 • For the duties of the responding tribunal, including mechanical
- 3 functions and judicial functions, and for substantive rules
- 4 applicable to interstate cases.
- 5 • That a tribunal that receives UIFSA documents in error,
- 6 forward them to the appropriate tribunal.
- 7 • For the duties of a support enforcement agency.
- 8 • For the right of a party to retain private counsel in an action
- 9 brought under UIFSA.
- 10 • For the duties of the Administrative Office of the Courts as the
- 11 State information agency.
- 12 • For the basic requirements for the drafting and filing of
- 13 interstate pleadings.
- 14 • For confidentiality in the pleadings if there is a serious risk of
- 15 domestic violence or child abduction.
- 16 • For fees and costs to be assessed against the obligor.
- 17 • That the petitioner is not subject to personal jurisdiction by this
- 18 State in other litigation between the parties due to
- 19 participation in a UIFSA proceeding; for an immunity from
- 20 service of process during the time a party is physically present
- 21 in a state for a UIFSA action; and for the withholding of
- 22 immunity from civil litigation unrelated to the support action
- 23 stemming from contemporaneous acts committed by a party
- 24 while present in the State for the support litigation.
- 25 • That a parentage decree rendered by another tribunal is not
- 26 subject to collateral attack in a UIFSA proceeding except on a
- 27 fundamental constitutional ground.
- 28 • For special rules on evidence and procedure for interstate
- 29 support cases including rules to eliminate many potential
- 30 hearsay problems and rules to encourage tribunals and litigants
- 31 to take advantage of modern methods of communication.
- 32 • Authorization for the communication between courts in order
- 33 to expedite establishment and enforcement of the support order
- 34 of either this State or of the sister state.
- 35 • For the facilitation of interstate cooperation in the discovery
- 36 process.
- 37 • For the prompt disbursement of any amounts received by a support
- 38 enforcement agency pursuant to a support order.
- 39 Article 4 provides authorization for a tribunal of the responding
- 40 state to issue temporary and permanent support orders binding on an
- 41 obligor over whom the tribunal has personal jurisdiction, if no other
- 42 support order exists and no other tribunal has continuing, exclusive
- 43 jurisdiction over the matter.
- 44 Article 5 provides:
- 45 • For the direct recognition by the obligor's employer of a
- 46 withholding order issued by another state.

- 1 • Authorization for summary enforcement of a sister state
2 support order through any administrative means available for
3 local orders.

4 Article 6, Part A expands the procedure for the registration of
5 foreign support orders available under RURESA. Part A provides:

- 6 • For the registration of the support order in the responding state
7 as the first step to enforcement by a tribunal of that state.
8 • For an outline of the mechanics for registration of a sister state
9 order.
10 • That the foreign support order is to be enforced and satisfied
11 in the same manner as if it had been issued by a tribunal of the
12 registering state; however, the order to be enforced remains an
13 order of the issuing state and any request for relief that
14 requires application of the continuing, exclusive jurisdiction of
15 the issuing tribunal must be sought in the issuing forum.
16 • Situations in which local law is inapplicable.

17 Article 6, Part B provides procedures for the nonregistering party
18 to contest registration of an order, either because the order is allegedly
19 invalid, superseded, or no longer in effect, or because the enforcement
20 remedy being sought is opposed by the nonregistering party. Part B
21 specifically provides:

- 22 • That the nonregistering party must be fully informed of the
23 effect of registration. After such notice is given, absent a
24 successful contest by the nonregistering party, the order will be
25 confirmed and future contest will be precluded.
26 • For the procedure to contest validity or enforcement of a
27 registered order.
28 • That the burden of proving the enumerated defenses to
29 registration of a support order is placed on the nonregistering
30 party.
31 • For the confirmation of a support order which validates both
32 the terms of the order and the asserted arrearages.

33 Article 6, Part C deals with situations in which it is necessary for a
34 registering state to modify the existing child support order of another
35 state. Part C provides:

- 36 • That a petitioner wishing to register a support order of another
37 state for purposes of modification must conform to the general
38 requirements for pleadings and the procedures for registration
39 set forth in the bill.
40 • That an order registered for purposes of modification may be
41 enforced in the same manner as an order registered for
42 purposes of enforcement.
43 • That this State's tribunal may modify a foreign support order
44 if specific factual preconditions are found.
45 • For the recognition by the original issuing state of a modified
46 order by a tribunal of another state which assumed jurisdiction

1 pursuant to law.

2 Article 7 provides for authorization of a "pure" parentage action in
3 the interstate context.

4 Article 8 provides:

- 5 • For interstate rendition of an individual who is charged
6 criminally with having failed to provide for the support of an
7 obligee.
8 • Conditions that a governor may implement before making the
9 demand for an individual's surrender or before honoring this
10 type of demand.

11 Article 9 provides:

- 12 • That this uniform act should be applied and construed to
13 effectuate its general purpose.
14 • For the title of the uniform act.
15 • For the repeal of the RURESA, P.L.1981, c.243 (C.2A:4-30.24
16 et seq.) and sections 15 and 16 of P.L.1985, c.278 (C.2A:17-
17 56.18 and 2A:17-56.19) which are also applicable to interstate
18 enforcement of support orders.