

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To enact, on an emergency basis, the Uniform Interstate Family Support Act, as revised with amendments officially adopted by the National Conference of Commissioners on Uniform State Laws, to implement the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Uniform Interstate Family Support Emergency Act of 2015”.

TITLE 1. GENERAL PROVISIONS.

Sec. 101. Short title.

This act may be cited as the Uniform Interstate Family Support Act.

Sec. 102. Definitions.

In this act:

(1) “Child” means an individual, whether over or under the age of majority, who is or is alleged to be owed a duty of support by the individual’s parent or who is or is alleged to be the beneficiary of a support order directed to the parent.

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

(3) “Convention” means the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, concluded at The Hague on November 23, 2007.

35 (4) "District" means the District of Columbia.

36 (5) "Duty of support" means an obligation imposed or imposable by law to provide
37 support for a child, spouse, or former spouse, including an unsatisfied obligation to provide
38 support.

39 (6) "Foreign country" means a country, including a political subdivision thereof, other
40 than the United States, that authorizes the issuance of support orders and:

41 (A) Which has been declared under the law of the United States to be a foreign
42 reciprocating country;

43 (B) Which has established a reciprocal arrangement for child support with the
44 District as provided in section 308;

45 (C) Which has enacted a law or established procedures for the issuance and
46 enforcement of support orders which are substantially similar to the procedures under this act; or

47 (D) In which the Convention is in force with respect to the United States.

48 (7) "Foreign support order" means a support order of a foreign tribunal.

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

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

57 (10) "Income" includes earnings or other periodic entitlements to money from any source
58 and any other property subject to withholding for support under the law of the District.

59 (11) "Income-withholding order" means an order or other legal process directed to an
60 obligor's holder, as defined by section 2(11) of the D.C. Child Support Enforcement Amendment
61 Act of 1985, effective February 24, 1987 (D.C. Law 6-166; D.C. Official Code § 46-201(11)), to
62 withhold support from the income of the obligor.

63 (12) "Initiating tribunal" means the tribunal of a state or foreign country from which a
64 petition or comparable pleading is forwarded or in which a petition or comparable pleading is
65 filed for forwarding to another state or foreign country.

66 (13) "Issuing foreign country" means the foreign country in which a tribunal issues a
67 support order or a judgment determining parentage of a child.

68 (14) "Issuing state" means the state in which a tribunal issues a support order or a
69 judgment determining parentage of a child.

70 (15) "Issuing tribunal" means the tribunal of a state or foreign country that issues a
71 support order or a judgment determining parentage of a child.

72 (16) "Law" includes decisional and statutory law and rules and regulations having the
73 force of law.

74 (17) "Mayor" means the Mayor of the District of Columbia.

75 (18) "Obligee" means:

76 (A) An individual to whom a duty of support is or is alleged to be owed or in
77 whose favor a support order or a judgment determining parentage of a child has been issued;

78 (B) A foreign country, state, or political subdivision of a state to which the rights
79 under a duty of support or support order have been assigned or which has independent claims
80 based on financial assistance provided to an individual obligee in place of child support;

81 (C) An individual seeking a judgment determining parentage of the individual's
82 child; or

83 (D) A person that is a creditor in a proceeding under Title 7.

84 (19) "Obligor" means an individual, or the estate of a decedent that:

85 (A) Owes or is alleged to owe a duty of support;

86 (B) Is alleged but has not been adjudicated to be a parent of a child;

87 (C) Is liable under a support order; or

88 (D) Is a debtor in a proceeding under Title 7.

89 (20) "Office of the Attorney General" means the Office of the Attorney General for the
90 District of Columbia.

91 (21) "Outside the District" means a location in another state or a country other than the
92 United States, whether or not the country is a foreign country.

93 (22) "Person" means an individual, corporation, business trust, estate, trust, partnership,
94 limited liability company, association, joint venture, public corporation, government or
95 governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

96 (23) "Record" means information that is inscribed on a tangible medium or that is stored
97 in an electronic or other medium and is retrievable in perceivable form.

98 (24) "Register" means to file in a tribunal of the District a support order or judgment
99 determining parentage of a child issued in another state or a foreign country.

100 (25) “Registering tribunal” means a tribunal in which a support order or judgment
101 determining parentage of a child is registered.

102 (26) “Responding state” means a state in which a petition or comparable pleading for
103 support or to determine parentage of a child is filed or to which a petition or comparable
104 pleading is forwarded for filing from another state or a foreign country.

105 (27) “Responding tribunal” means the authorized tribunal in a responding state or foreign
106 country.

107 (28) “Spousal-support order” means a support order for a spouse or former spouse of the
108 obligor.

109 (29) “State” means a state of the United States, the District of Columbia, Puerto Rico, the
110 United States Virgin Islands, or any territory or insular possession under the jurisdiction of the
111 United States. The term includes an Indian nation or tribe.

112 (30) “Support enforcement agency” means a public official, governmental entity, or
113 private agency authorized to:

114 (A) Seek enforcement of support orders or laws relating to the duty of support;

115 (B) Seek establishment or modification of child support;

116 (C) Request determination of parentage of a child;

117 (D) Attempt to locate obligors or their assets; or

118 (E) Request determination of the controlling child-support order.

119 (31) “Support order” means a judgment, decree, order, decision, or directive, whether
120 temporary, final, or subject to modification, issued in a state or foreign country for the benefit of
121 a child, a spouse, or a former spouse, which provides for monetary support, health care,
122 arrearages, retroactive support, or reimbursement for financial assistance provided to an

123 individual obligee in place of child support. The term may include related costs and fees,
124 interest, income withholding, automatic adjustment, reasonable attorney's fees, and other relief.

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

127 Sec. 103. Tribunal and support enforcement agency of the District.

128 (a) The Family Division of the Superior Court of the District of Columbia is the tribunal
129 of the District.

130 (b) The Office of the Attorney General is the support enforcement agency of the District.

131 Sec. 104. Remedies cumulative.

132 (a) Remedies provided by this act are cumulative and do not affect the availability of
133 remedies under other law or the recognition of a foreign support order on the basis of comity.

134 (b) This act does not:

135 (1) Provide the exclusive method of establishing or enforcing a support order
136 under the law of the District; or

137 (2) Grant a tribunal of the District jurisdiction to render judgment or issue an
138 order relating to child custody or visitation in a proceeding under this act.

139 Sec. 105. Application of act to resident of foreign country and foreign support
140 proceeding.

141 (a) A tribunal of the District shall apply Titles 1 through 6 and, as applicable, Title 7, to a
142 support proceeding involving:

143 (1) A foreign support order;

144 (2) A foreign tribunal; or

145 (3) An obligee, obligor, or child residing in a foreign country.

146 (b) A tribunal of the District that is requested to recognize and enforce a support order on
147 the basis of comity may apply the procedural and substantive provisions of Titles 1 through 6.

148 (c) Title 7 applies only to a support proceeding under the Convention. In such a
149 proceeding, if a provision of Title 7 is inconsistent with Titles 1 through 6, Title 7 controls.

150 TITLE 2. JURISDICTION.

151 Sec. 201. Bases for jurisdiction over nonresident.

152 (a) In a proceeding to establish or enforce a support order or to determine parentage of a
153 child, a tribunal of the District may exercise personal jurisdiction over a nonresident individual
154 or the individual's guardian or conservator if:

155 (1) The individual is personally served with notice within the District;

156 (2) The individual submits to the jurisdiction of the District by consent in a
157 record, by entering a general appearance, or by filing a responsive document having the effect of
158 waiving any contest to personal jurisdiction;

159 (3) The individual resided with the child in the District;

160 (4) The individual resided in the District and provided prenatal expenses or
161 support for the child;

162 (5) The child resides in the District as a result of the acts or directives of the
163 individual;

164 (6) The individual engaged in sexual intercourse in the District and the child may
165 have been conceived by that act of intercourse; or

166 (7) There is any other basis consistent with the laws of the District and the
167 Constitution of the United States for the exercise of personal jurisdiction.

168 (b) The bases of personal jurisdiction set forth in subsection (a) of this section or in any
169 other law of the District may not be used to acquire personal jurisdiction for a tribunal of the
170 District to modify a child-support order of another state unless the requirements of section 611
171 are met, or, in the case of a foreign support order, unless the requirements of section 615 are met.

172 Sec. 202. Duration of personal jurisdiction.

173 Personal jurisdiction acquired by a tribunal of the District in a proceeding under this act
174 or other law of the District relating to a support order continues as long as a tribunal of the
175 District has continuing, exclusive jurisdiction to modify its order or continuing jurisdiction to
176 enforce its order as provided by sections 205, 206, and 211.

177 Sec. 203. Initiating and responding tribunal of state.

178 Under this act, a tribunal of the District may serve as an initiating tribunal to forward
179 proceedings to a tribunal of another state, and as a responding tribunal for proceedings initiated
180 in another state or a foreign country.

181 Sec. 204. Simultaneous proceedings.

182 (a) A tribunal of the District may exercise jurisdiction to establish a support order if the
183 petition or comparable pleading is filed after a pleading is filed in another state or a foreign
184 country only if:

185 (1) The petition or comparable pleading in the District is filed before the
186 expiration of the time allowed in the other state or the foreign country for filing a responsive
187 pleading challenging the exercise of jurisdiction by the other state or the foreign country;

188 (2) The contesting party timely challenges the exercise of jurisdiction in the other
189 state or the foreign country; and

190 (3) If relevant, the District is the home state of the child.

191 (b) A tribunal of the District may not exercise jurisdiction to establish a support order if
192 the petition or comparable pleading is filed before a petition or comparable pleading is filed in
193 another state or a foreign country if:

194 (1) The petition or comparable pleading in the other state or foreign country is
195 filed before the expiration of the time allowed in the District for filing a responsive pleading
196 challenging the exercise of jurisdiction by the District;

197 (2) The contesting party timely challenges the exercise of jurisdiction in the
198 District; and

199 (3) If relevant, the other state or foreign country is the home state of the child.

200 Sec. 205. Continuing, exclusive jurisdiction to modify child-support order.

201 (a) A tribunal of the District that has issued a child-support order consistent with the law
202 of the District, has and shall exercise continuing, exclusive jurisdiction to modify its child-
203 support order if the order is the controlling order and:

204 (1) At the time of the filing of a request for modification the District is the
205 residence of the obligor, the individual obligee, or the child for whose benefit the support order is
206 issued; or

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

211 (b) A tribunal of the District that has issued a child-support order consistent with the law
212 of the District, may not exercise continuing, exclusive jurisdiction to modify the order if:

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

217 (2) Its order is not the controlling order.

218 (c) If a tribunal of another state has issued a child-support order pursuant to the Uniform
219 Interstate Family Support Act or a law substantially similar to that Act which modifies a child-
220 support order of a tribunal of the District, a tribunal of the District shall recognize the continuing,
221 exclusive jurisdiction of the tribunal of the other state.

222 (d) A tribunal of the District that lacks continuing, exclusive jurisdiction to modify a
223 child-support order, may serve as an initiating tribunal to request a tribunal of another state to
224 modify a support order issued in that state.

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

227 Sec. 206. Continuing jurisdiction to enforce child-support order.

228 (a) A tribunal of the District that has issued a child-support order consistent with the law
229 of the District, may serve as an initiating tribunal to request a tribunal of another state to enforce:

230 (1) The order if the order is the controlling order and has not been modified by a
231 tribunal of another state that assumed jurisdiction pursuant to the Uniform Interstate Family
232 Support Act; or

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

235 (b) A tribunal of the District having continuing jurisdiction over a support order, may act
236 as a responding tribunal to enforce the order.

237 Sec. 207. Determination of controlling child-support order.

238 (a) If a proceeding is brought under this act and only one tribunal has issued a child-
239 support order, the order of that tribunal controls and must be recognized.

240 (b) If a proceeding is brought under this act and 2 or more child-support orders have been
241 issued by tribunals of the District, of another state, or a foreign country with regard to the same
242 obligor and same child, a tribunal of the District having personal jurisdiction over both the
243 obligor and individual obligee, shall apply the following rules and by order shall determine
244 which order controls and must be recognized:

245 (1) If only one of the tribunals would have continuing, exclusive jurisdiction
246 under this act, the order of that tribunal controls.

247 (2) If more than one of the tribunals would have continuing, exclusive jurisdiction
248 under this act:

249 (A) An order issued by a tribunal in the current home state of the child
250 controls; or

251 (B) If an order has not been issued in the current home state of the child,
252 the order most recently issued controls.

253 (3) If none of the tribunals would have continuing, exclusive jurisdiction under
254 this act, the tribunal of the District shall issue a child-support order, which controls.

255 (c) If 2 or more child-support orders have been issued for the same obligor and same
256 child, upon request of a party who is an individual or that is a support enforcement agency, a
257 tribunal of the District having personal jurisdiction over both the obligor and the obligee who is

258 an individual, shall determine which order controls under subsection (b) of this section. The
259 request may be filed with a registration for enforcement or registration for modification pursuant
260 to Title 6, or may be filed as a separate proceeding.

261 (d) A request to determine which is the controlling order must be accompanied by a copy
262 of every child-support order in effect and the applicable record of payments. The requesting
263 party shall give notice of the request to each party whose rights may be affected by the
264 determination.

265 (e) The tribunal that issued the controlling order under subsection (a), (b), or (c) of this
266 section has continuing jurisdiction to the extent provided in section 205 or 206.

267 (f) A tribunal of the District that determines by order which is the controlling order under
268 subsection (b)(1) or (2) or (c) of this section, or that issues a new controlling order under
269 subsection (b)(3) of this section, shall state in that order:

270 (1) The basis upon which the tribunal made its determination;

271 (2) The amount of prospective support, if any; and

272 (3) The total amount of consolidated arrears and accrued interest, if any, under all
273 of the orders after all payments made are credited as provided by section 209.

274 (g) Within 30 days after issuance of an order determining which is the controlling order,
275 the party obtaining the order shall file a certified copy of it in each tribunal that issued or
276 registered an earlier order of child support. A party or support enforcement agency obtaining the
277 order that fails to file a certified copy is subject to appropriate sanctions by a tribunal in which
278 the issue of failure to file arises. The failure to file does not affect the validity or enforceability
279 of the controlling order.

280 (h) An order that has been determined to be the controlling order, or a judgment for
281 consolidated arrears of support and interest, if any, made pursuant to this section must be
282 recognized in proceedings under this act.

283 Sec. 208. Child-support orders for two or more obligees.

284 In responding to registrations or petitions for enforcement of two or more child-support
285 orders in effect at the same time with regard to the same obligor and different individual
286 obligees, at least one of which was issued by a tribunal of another state or a foreign country, a
287 tribunal of the District shall enforce those orders in the same manner as if the orders had been
288 issued by a tribunal of the District.

289 Sec. 209. Credit for payments.

290 A tribunal of the District shall credit amounts collected for a particular period pursuant to
291 any child-support order against the amounts owed for the same period under any other child-
292 support order for support of the same child issued by a tribunal of the District, another state, or a
293 foreign country.

294 Sec. 210. Application of act to nonresident subject to personal jurisdiction.

295 A tribunal of the District exercising personal jurisdiction over a nonresident in a
296 proceeding under this act, under other law of the District relating to a support order, or
297 recognizing a foreign support order, may receive evidence from outside the District pursuant to
298 section 316, communicate with a tribunal outside the District pursuant to section 317, and obtain
299 discovery through a tribunal outside the District pursuant to section 318. In all other respects,
300 Titles 3 through 6 do not apply, and the tribunal shall apply the procedural and substantive law of
301 the District.

302 Sec. 211. Continuing, exclusive jurisdiction to modify spousal-support order.

303 (a) A tribunal of the District issuing a spousal-support order consistent with the law of the
304 District has continuing, exclusive jurisdiction to modify the spousal-support order throughout the
305 existence of the support obligation.

306 (b) A tribunal of the District may not modify a spousal-support order issued by a tribunal
307 of another state or a foreign country having continuing, exclusive jurisdiction over that order
308 under the law of that state or foreign country.

309 (c) A tribunal of the District that has continuing, exclusive jurisdiction over a spousal-
310 support order, may serve as:

311 (1) An initiating tribunal to request a tribunal of another state to enforce the
312 spousal-support order issued in the District; or

313 (2) A responding tribunal to enforce or modify its own spousal-support order.

314 TITLE 3. CIVIL PROVISIONS OF GENERAL APPLICATION.

315 Sec. 301. Proceedings under act.

316 (a) Except as otherwise provided in this act, this title applies to all proceedings under this
317 act.

318 (b) An individual petitioner or a support enforcement agency may initiate a proceeding
319 authorized under this act by filing a petition in an initiating tribunal for forwarding to a
320 responding tribunal or by filing a petition or a comparable pleading directly in a tribunal of
321 another state or a foreign country which has or can obtain personal jurisdiction over the
322 respondent.

323 Sec. 302. Proceeding by minor parent.

324 A minor parent, or a guardian or other legal representative of a minor parent, may
325 maintain a proceeding on behalf of or for the benefit of the minor's child.

326 Sec. 303. Application of law of the District.

327 Except as otherwise provided in this act, a responding tribunal of the District, shall:

328 (1) Apply the procedural and substantive law generally applicable to similar proceedings
329 originating in the District and may exercise all powers and provide all remedies available in
330 those proceedings; and

331 (2) Determine the duty of support and the amount payable in accordance with the law and
332 support guidelines of the District.

333 Sec. 304. Duties of initiating tribunal.

334 (a) Upon the filing of a petition authorized by this act, an initiating tribunal of the
335 District, shall forward the petition and its accompanying documents:

336 (1) To the responding tribunal or appropriate support enforcement agency in the
337 responding state; or

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

341 (b) If requested by the responding tribunal, a tribunal of the District shall issue a
342 certificate or other document and make findings required by the law of the responding state. If
343 the responding tribunal is in a foreign country, upon request the tribunal of the District shall
344 specify the amount of support sought, convert that amount into the equivalent amount in the
345 foreign currency under the applicable official or market exchange rate as publicly reported, and
346 provide any other documents necessary to satisfy the requirements of the responding foreign
347 tribunal.

348 Sec. 305. Duties and powers of responding tribunal.

349 (a) When a responding tribunal of the District receives a petition or comparable pleading
350 from an initiating tribunal or directly pursuant to section 301(b), it shall cause the petition or
351 pleading to be filed and notify the petitioner where and when it was filed.

352 (b) A responding tribunal of the District, to the extent not prohibited by other law, may
353 do one or more of the following:

354 (1) Establish or enforce a support order, modify a child-support order, determine
355 the controlling child-support order, or determine parentage of a child;

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

358 (3) Order income withholding;

359 (4) Determine the amount of any arrearages, and specify a method of payment;

360 (5) Enforce orders by civil or criminal contempt, or both;

361 (6) Set aside property for satisfaction of the support order;

362 (7) Place liens and order execution on the obligor's property;

363 (8) Order an obligor to keep the tribunal informed of the obligor's current
364 residential address, electronic-mail address, telephone number, employer, address of
365 employment, and telephone number at the place of employment;

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

369 (10) Order the obligor to seek appropriate employment by specified methods;

370 (11) Award reasonable attorney's fees and other fees and costs; and

371 (12) Grant any other available remedy.

372 (c) A responding tribunal of the District shall include in a support order issued under this
373 act, or in the documents accompanying the order, the calculations on which the support order is
374 based.

375 (d) A responding tribunal of the District, may not condition the payment of a support
376 order issued under this act upon compliance by a party with provisions for visitation.

377 (e) If a responding tribunal of the District issues an order under this act, the tribunal shall
378 send a copy of the order to the petitioner and the respondent and to the initiating tribunal, if any.

379 (f) If requested to enforce a support order, arrears, or judgment or modify a support order
380 stated in a foreign currency, a responding tribunal of the District, shall convert the amount stated
381 in the foreign currency to the equivalent amount in dollars under the applicable official or market
382 exchange rate as publicly reported.

383 Sec. 306. Inappropriate tribunal.

384 If a petition or comparable pleading is received by an inappropriate tribunal of the
385 District, the tribunal shall forward the pleading and accompanying documents to an appropriate
386 tribunal of the District or of another state and notify the petitioner where and when the pleading
387 was sent.

388 Sec. 307. Duties of support enforcement agency.

389 (a) In a proceeding under this act a support enforcement agency of the District, upon
390 request:

391 (1) Shall provide services to a petitioner residing in a state;

392 (2) Shall provide services to a petitioner requesting services through a central
393 authority of a foreign country as described in section 102(6)(A) or (D); and

394 (3) May provide services to a petitioner who is an individual not residing in a
395 state.

396 (b) A support enforcement agency of the District that is providing services to the
397 petitioner shall:

398 (1) Take all steps necessary to enable an appropriate tribunal of the District,
399 another state, or a foreign country to obtain jurisdiction over the respondent;

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

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

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

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

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

410 (c) A support enforcement agency of the District that requests registration of a child-
411 support order in the District for enforcement or for modification shall make reasonable efforts:

412 (1) To ensure that the order to be registered is the controlling order; or

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

416 (d) A support enforcement agency of the District that requests registration and
417 enforcement of a support order, arrears, or judgment stated in a foreign currency shall convert
418 the amounts stated in the foreign currency into the equivalent amounts in dollars under the
419 applicable official or market exchange rate as publicly reported.

420 (e) A support enforcement agency of the District shall issue or request a tribunal of the
421 District to issue a child-support order and an income-withholding order that redirect payment of
422 current support, arrears, and interest if requested to do so by a support enforcement agency of
423 another state pursuant to section 319.

424 (f) This act does not create or negate a relationship of attorney and client or other
425 fiduciary relationship between a support enforcement agency or the attorney for the agency and
426 the individual being assisted by the agency.

427 Sec. 308. Duty of Office of the Attorney General.

428 The Office of the Attorney General may determine that a foreign country has established
429 a reciprocal arrangement for child support with the District and take appropriate action for
430 notification of the determination.

431 Sec. 309. Private counsel.

432 An individual may employ private counsel to represent the individual in proceedings
433 authorized by this act.

434 Sec. 310. Duties of Office of the Attorney General as state information agency.

435 (a) The Office of the Attorney General is the state information agency under this act.

436 (b) The state information agency shall:

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

440 (2) Maintain a register of names and addresses of tribunals and support
441 enforcement agencies received from other states;

442 (3) Forward to the appropriate tribunal in the District all documents concerning a
443 proceeding under this act received from another state or a foreign country; and

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

450 Sec. 311. Pleadings and accompanying documents.

451 (a) In a proceeding under this act, a petitioner seeking to establish a support order, to
452 determine parentage of a child, or to register and modify a support order of a tribunal of another
453 state or a foreign country must file a petition. Unless otherwise ordered under section 312, the
454 petition or accompanying documents must provide, so far as known, the name, residential
455 address, and social security numbers of the obligor and the obligee or the parent and alleged
456 parent, and the name, sex, residential address, social security number, and date of birth of each
457 child for whose benefit support is sought or whose parentage is to be determined. Unless filed at
458 the time of registration, the petition must be accompanied by a copy of any support order known

459 to have been issued by another tribunal. The petition may include any other information that
460 may assist in locating or identifying the respondent.

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

464 Sec. 312. Nondisclosure of information in exceptional circumstances.

465 If a party alleges in an affidavit or a pleading under oath that the health, safety, or liberty
466 of a party or child would be jeopardized by disclosure of specific identifying information, that
467 information must be sealed and may not be disclosed to the other party or the public. After a
468 hearing in which a tribunal takes into consideration the health, safety, or liberty of the party or
469 child, the tribunal may order disclosure of information that the tribunal determines to be in the
470 interest of justice.

471 Sec. 313. Costs and fees.

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

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

481 (c) The tribunal shall order the payment of costs and reasonable attorney's fees if it
482 determines that a hearing was requested primarily for delay. In a proceeding under Title 6, a
483 hearing is presumed to have been requested primarily for delay if a registered support order is
484 confirmed or enforced without change.

485 Sec. 314. Limited immunity of petitioner.

486 (a) Participation by a petitioner in a proceeding under this act before a responding
487 tribunal, whether in person, by private attorney, or through services provided by the support
488 enforcement agency, does not confer personal jurisdiction over the petitioner in another
489 proceeding.

490 (b) A petitioner is not amenable to service of civil process while physically present in the
491 District to participate in a proceeding under this act.

492 (c) The immunity granted by this section does not extend to civil litigation based on acts
493 unrelated to a proceeding under this act committed by a party while physically present in the
494 District to participate in the proceeding.

495 Sec. 315. Nonparentage as defense.

496 A party whose parentage of a child has been previously determined by or pursuant to law
497 may not plead nonparentage as a defense to a proceeding under this act.

498 Sec. 316. Special rules of evidence and procedure.

499 (a) The physical presence of a nonresident party who is an individual in a tribunal of the
500 District is not required for the establishment, enforcement, or modification of a support order or
501 the rendition of a judgment determining parentage of a child.

502 (b) An affidavit, a document substantially complying with federally mandated forms, or a
503 document incorporated by reference in any of them, which would not be excluded under the

504 hearsay rule if given in person, is admissible in evidence if given under penalty of perjury by a
505 party or witness residing outside the District.

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

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

513 (e) Documentary evidence transmitted from outside the District to a tribunal of the
514 District by telephone, telecopier, or other electronic means that do not provide an original record
515 may not be excluded from evidence on an objection based on the means of transmission.

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

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

524 (h) A privilege against disclosure of communications between spouses does not apply in
525 a proceeding under this act.

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

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

530 Sec. 317. Communications between tribunals.

531 A tribunal of the District may communicate with a tribunal outside the District in a record
532 or by telephone, electronic mail, or other means, to obtain information concerning the laws, the
533 legal effect of a judgment, decree, or order of that tribunal, and the status of a proceeding. A
534 tribunal of the District may furnish similar information by similar means to a tribunal outside the
535 District.

536 Sec. 318. Assistance with discovery.

537 A tribunal of the District may:

538 (1) Request a tribunal outside the District to assist in obtaining discovery; and

539 (2) Upon request, compel a person over which it has jurisdiction to respond to a
540 discovery order issued by a tribunal outside the District.

541 Sec. 319. Receipt and disbursement of payments.

542 (a) A support enforcement agency or tribunal of the District shall disburse promptly any
543 amounts received pursuant to a support order, as directed by the order. The agency or tribunal
544 shall furnish to a requesting party or tribunal of another state or a foreign country a certified
545 statement by the custodian of the record of the amounts and dates of all payments
546 received.

547 (b) If neither the obligor, nor the obligee who is an individual, nor the child resides in the
548 District, upon request from the support enforcement agency of the District or another state, the
549 support enforcement agency of the District or a tribunal of the District shall:

550 (1) Direct that the support payment be made to the support enforcement agency in
551 the state in which the obligee is receiving services; and

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

554 (c) The support enforcement agency of the District receiving redirected payments from
555 another state pursuant to a law similar to subsection (b) of this section shall furnish to a
556 requesting party or tribunal of the other state a certified statement by the custodian of the record
557 of the amount and dates of all payments received.

558 TITLE 4. ESTABLISHMENT OF SUPPORT ORDER OR DETERMINATION
559 OF PARENTAGE.

560 Sec. 401. Establishment of support order.

561 (a) If a support order entitled to recognition under this act has not been issued, a
562 responding tribunal of the District with personal jurisdiction over the parties may issue a support
563 order if:

564 (1) The individual seeking the order resides outside the District; or

565 (2) The support enforcement agency seeking the order is located outside the
566 District.

567 (b) The tribunal may issue a temporary child-support order if the tribunal determines that
568 such an order is appropriate and the individual ordered to pay is:

569 (1) A presumed father of the child;

- 570 (2) Petitioning to have his paternity adjudicated;
- 571 (3) Identified as the father of the child through genetic testing;
- 572 (4) An alleged father who has declined to submit to genetic testing;
- 573 (5) Shown by clear and convincing evidence to be the father of the child;
- 574 (6) An acknowledged father as provided by D.C. Official Code §§ 16-909.01 to
- 575 16.909.03 and 16-909.05;
- 576 (7) The mother of the child; or
- 577 (8) An individual who has been ordered to pay child support in a previous
- 578 proceeding and the order has not been reversed or vacated.

579 (c) Upon finding, after notice and opportunity to be heard, that an obligor owes a duty of

580 support, the tribunal shall issue a support order directed to the obligor and may issue other orders

581 pursuant to section 305.

582 Sec. 402. Proceeding to determine parentage.

583 A tribunal of the District authorized to determine parentage of a child may serve as a

584 responding tribunal in a proceeding to determine parentage of a child brought under this act or a

585 law or procedure substantially similar to this act.

586 TITLE 5. ENFORCEMENT OF SUPPORT ORDER WITHOUT REGISTRATION

587 Sec. 501. Employer's receipt of income-withholding order of another state.

588 An income-withholding order issued in another state may be sent by or on behalf of the

589 obligee, or by the support enforcement agency, to the person defined as the obligor's employer

590 under the D.C. Child Support Enforcement Amendment Act of 1985, effective February 24,

591 1987 (D.C. Law 6-166; D.C. Official Code § 46-201 *et seq.*) without first filing a petition or

592 comparable pleading or registering the order with a tribunal of the District.

593 Sec. 502. Employer's compliance with income-withholding order of another state.

594 (a) Upon receipt of an income-withholding order, the obligor's employer shall
595 immediately provide a copy of the order to the obligor.

596 (b) The employer shall treat an income-withholding order issued in another state which
597 appears regular on its face as if it had been issued by a tribunal of the District.

598 (c) Except as otherwise provided in subsection (d) of this section and section 503, the
599 employer shall withhold and distribute the funds as directed in the withholding order by
600 complying with terms of the order which specify:

601 (1) The duration and amount of periodic payments of current child support, stated
602 as a sum certain;

603 (2) The person designated to receive payments and the address to which the
604 payments are to be forwarded;

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

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

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

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

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

615 (2) The maximum amount permitted to be withheld from the obligor's income;
616 and

617 (3) The times within which the employer must implement the withholding order
618 and forward the child-support payment.

619 Sec. 503. Employer's compliance with 2 or more income-withholding orders.

620 If an obligor's employer receives 2 or more income-withholding orders with respect to
621 the earnings of the same obligor, the employer satisfies the terms of the orders if the employer
622 complies with the law of the state of the obligor's principal place of employment to establish the
623 priorities for withholding and allocating income withheld for 2 or more child-support obligees.

624 Sec. 504. Immunity from civil liability.

625 An employer that complies with an income-withholding order issued in another state in
626 accordance with this title is not subject to civil liability to an individual or agency with regard to
627 the employer's withholding of child support from the obligor's income.

628 Sec. 505. Penalties for noncompliance.

629 An employer that willfully fails to comply with an income-withholding order issued in
630 another state and received for enforcement is subject to the same penalties that may be imposed
631 for noncompliance with an order issued by a tribunal of the District.

632 Sec. 506. Contest by obligor.

633 (a) An obligor may contest the validity or enforcement of an income-withholding order
634 issued in another state and received directly by an employer in the District by registering the
635 order in a tribunal of the District and filing a contest to that order as provided in Title 6, or
636 otherwise contesting the order in the same manner as if the order had been issued by a tribunal of
637 the District.

- 638 (b) The obligor shall give notice of the contest to:
- 639 (1) A support enforcement agency providing services to the obligee;
- 640 (2) Each employer that has directly received an income-withholding order relating
- 641 to the obligor; and
- 642 (3) The person designated to receive payments in the income-withholding order
- 643 or, if no person is designated, to the obligee.

644 Sec. 507. Administrative enforcement of orders.

645 (a) A party or support enforcement agency seeking to enforce a support order or an

646 income-withholding order, or both, issued in another state or a foreign support order may send

647 the documents required for registering the order to a support enforcement agency of the District.

648 (b) Upon receipt of the documents, the support enforcement agency, without initially

649 seeking to register the order, shall consider and, if appropriate, use any administrative procedure

650 authorized by the law of the District to enforce a support order or an income-withholding order,

651 or both. If the obligor does not contest administrative enforcement, the order need not be

652 registered. If the obligor contests the validity or administrative enforcement of the order, the

653 support enforcement agency shall register the order pursuant to this act.

654 TITLE 6. REGISTRATION, ENFORCEMENT, AND MODIFICATION

655 OF SUPPORT ORDER.

656 SUBTITLE A. REGISTRATION FOR ENFORCEMENT OF SUPPORT ORDER.

657 Sec. 601. Registration of order for enforcement.

658 A support order or income-withholding order issued in another state or a foreign support

659 order may be registered in the District for enforcement.

660 Sec. 602. Procedure to register order for enforcement.

661 (a) Except as otherwise provided in section 706, a support order or income-withholding
662 order of another state or a foreign support order may be registered in the District by sending the
663 following records to the Superior Court of the District of Columbia:

664 (1) A letter of transmittal to the tribunal requesting registration and enforcement;

665 (2) Two copies, including one certified copy, of the order to be registered,
666 including any modification of the order;

667 (3) A sworn statement by the person requesting registration or a certified
668 statement by the custodian of the records showing the amount of any arrearage;

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

670 (A) The obligor's address and social security number;

671 (B) The name and address of the obligor's employer and any other source
672 of income of the obligor; and

673 (C) A description and the location of property of the obligor in the District
674 not exempt from execution; and

675 (5) Except as otherwise provided in section 312, the name and address of the
676 obligee and, if applicable, the person to whom support payments are to be remitted.

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

680 (c) A petition or comparable pleading seeking a remedy that must be affirmatively sought
681 under other law of the District may be filed at the same time as the request for registration or
682 later. The pleading must specify the grounds for the remedy sought.

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

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

686 (2) Specify the order alleged to be the controlling order, if any; and

687 (3) Specify the amount of consolidated arrears, if any.

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

692 Sec. 603. Effect of registration for enforcement.

693 (a) A support order or income-withholding order issued in another state or a foreign
694 support order is registered when the order is filed in the registering tribunal of the District.

695 (b) A registered support order issued in another state or a foreign country is enforceable
696 in the same manner and is subject to the same procedures as an order issued by a tribunal of the
697 District.

698 (c) Except as otherwise provided in this act, a tribunal of the District shall recognize and
699 enforce, but may not modify, a registered support order if the issuing tribunal had jurisdiction.

700 Sec. 604. Choice of law.

701 (a) Except as otherwise provided in subsection (d) of this section, the law of the issuing
702 state or foreign country governs:

703 (1) The nature, extent, amount, and duration of current payments under a
704 registered support order;

705 (2) The computation and payment of arrearages and accrual of interest on the
706 arrearages under the support order; and

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

708 (b) In a proceeding for arrears under a registered support order, the statute of limitation of
709 the District, or of the issuing state or foreign country, whichever is longer, applies.

710 (c) A responding tribunal of the District shall apply the procedures and remedies of the
711 District to enforce current support and collect arrears and interest due on a support order of
712 another state or a foreign country registered in the District.

713 (d) After a tribunal of the District or another state determines which is the controlling
714 order and issues an order consolidating arrears, if any, a tribunal of the District shall
715 prospectively apply the law of the state or foreign country issuing the controlling order,
716 including its law on interest on arrears, on current and future support, and on consolidated
717 arrears.

718 SUBTITLE B. CONTEST OF VALIDITY OR ENFORCEMENT.

719 Sec. 605. Notice of registration of order.

720 (a) When a support order or income-withholding order issued in another state or a foreign
721 support order is registered, the registering tribunal of the District shall notify the nonregistering
722 party. The notice must be accompanied by a copy of the registered order and the documents and
723 relevant information accompanying the order.

724 (b) A notice must inform the nonregistering party:

725 (1) That a registered support order is enforceable as of the date of registration in
726 the same manner as an order issued by a tribunal of the District;

727 (2) That a hearing to contest the validity or enforcement of the registered order
728 must be requested within 20 days after notice unless the registered order is under section 707;

729 (3) That failure to contest the validity or enforcement of the registered order in a
730 timely manner will result in confirmation of the order and enforcement of the order and the
731 alleged arrearages; and

732 (4) Of the amount of any alleged arrearages.

733 (c) If the registering party asserts that 2 or more orders are in effect, a notice must also:

734 (1) Identify the 2 or more orders and the order alleged by the registering party to
735 be the controlling order and the consolidated arrears, if any;

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

738 (3) State that the procedures provided in subsection (b) of this section apply to the
739 determination of which is the controlling order; and

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

743 (d) Upon registration of an income-withholding order for enforcement, the support
744 enforcement agency or the registering tribunal shall notify the obligor's employer pursuant to the
745 D.C. Child Support Enforcement Amendment Act of 1985, effective February 24, 1987 (D.C.
746 Law 6-166; D.C. Official Code § 46-201 *et seq.*).

747 Sec. 606. Procedure to contest validity or enforcement of registered support order.

748 (a) A nonregistering party seeking to contest the validity or enforcement of a registered
749 support order in the District shall request a hearing within the time required by section 605. The
750 nonregistering party may seek to vacate the registration, to assert any defense to an allegation of

751 noncompliance with the registered order, or to contest the remedies being sought or the amount
752 of any alleged arrearages pursuant to section 607.

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

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

758 Sec. 607. Contest of registration or enforcement.

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

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

762 (2) The order was obtained by fraud;

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

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

765 (5) There is a defense under the law of the District to the remedy sought;

766 (6) Full or partial payment has been made;

767 (7) The statute of limitation under section 604 precludes enforcement of some or

768 all of the alleged arrearages; or

769 (8) The alleged controlling order is not the controlling order.

770 (b) If a party presents evidence establishing a full or partial defense under subsection (a)
771 of this section, a tribunal may stay enforcement of a registered support order, continue the
772 proceeding to permit production of additional relevant evidence, and issue other appropriate

773 orders. An uncontested portion of the registered support order may be enforced by all remedies
774 available under the law of the District.

775 (c) If the contesting party does not establish a defense under subsection (a) of this section
776 to the validity or enforcement of a registered support order, the registering tribunal shall issue an
777 order confirming the order.

778 Sec. 608. Confirmed order.

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

782 SUBTITLE C. REGISTRATION AND MODIFICATION OF CHILD-SUPPORT
783 ORDER OF ANOTHER STATE.

784 Sec. 609. Procedure to register child-support order of another state for modification.

785 A party or support enforcement agency seeking to modify, or to modify and enforce, a
786 child-support order issued in another state shall register that order in the District in the same
787 manner provided in sections 601 through 608 if the order has not been registered. A petition for
788 modification may be filed at the same time as a request for registration, or later. The pleading
789 must specify the grounds for modification.

790 Sec. 610. Effect of registration for modification.

791 A tribunal of the District may enforce a child-support order of another state registered for
792 purposes of modification, in the same manner as if the order had been issued by a tribunal of the
793 District, but the registered support order may be modified only if the requirements of section 611
794 or 613 have been met.

795 Sec. 611. Modification of child-support order of another state.

796 (a) If section 613 does not apply, upon petition a tribunal of the District may modify a
797 child-support order issued in another state which is registered in the District if, after notice and
798 hearing, the tribunal finds that:

799 (1) The following requirements are met:

800 (A) Neither the child, nor the obligee who is an individual, nor the obligor
801 resides in the issuing state;

802 (B) A petitioner who is a nonresident of the District seeks modification;

803 and

804 (C) The respondent is subject to the personal jurisdiction of the tribunal of
805 the District; or

806 (2) The District is the residence of the child, or a party who is an individual is
807 subject to the personal jurisdiction of the tribunal of the District, and all of the parties who are
808 individuals have filed consents in a record in the issuing tribunal for a tribunal of the District to
809 modify the support order and assume continuing, exclusive jurisdiction.

810 (b) Modification of a registered child-support order is subject to the same requirements,
811 procedures, and defenses that apply to the modification of an order issued by a tribunal of the
812 District and the order may be enforced and satisfied in the same manner.

813 (c) A tribunal of the District may not modify any aspect of a child-support order that
814 may not be modified under the law of the issuing state, including the duration of the obligation of
815 support. If 2 or more tribunals have issued child-support orders for the same obligor and same
816 child, the order that controls and must be so recognized under section 207 establishes the aspects
817 of the support order which are nonmodifiable.

818 (d) In a proceeding to modify a child-support order, the law of the state that is determined
819 to have issued the initial controlling order governs the duration of the obligation of support. The
820 obligor's fulfillment of the duty of support established by that order precludes imposition of a
821 further obligation of support by a tribunal of the District.

822 (e) On the issuance of an order by a tribunal of the District modifying a child-support
823 order issued in another state, the tribunal of the District becomes the tribunal having continuing,
824 exclusive jurisdiction.

825 (f) Notwithstanding subsections (a) through (e) of this section and section 201(b), a
826 tribunal of the District retains jurisdiction to modify an order issued by a tribunal of the District
827 if:

- 828 (1) One party resides in another state; and
- 829 (2) The other party resides outside the United States.

830 Sec. 612. Recognition of order modified in another state.

831 If a child-support order issued by a tribunal of the District is modified by a tribunal of
832 another state which assumed jurisdiction pursuant to the Uniform Interstate Family Support Act,
833 a tribunal of the District:

- 834 (1) May enforce its order that was modified only as to arrears and interest accruing before
835 the modification;
- 836 (2) May provide appropriate relief for violations of its order which occurred before the
837 effective date of the modification; and
- 838 (3) Shall recognize the modifying order of the other state, upon registration, for the
839 purpose of enforcement.

840 Sec. 613. Jurisdiction to modify child-support order of another state when individual
841 parties reside in the District.

842 (a) If all of the parties who are individuals reside in the District and the child does not
843 reside in the issuing state, a tribunal of the District has jurisdiction to enforce and to modify the
844 issuing state's child-support order in a proceeding to register that order.

845 (b) A tribunal of the District exercising jurisdiction under this section shall apply the
846 provisions of Titles 1 and 2, this title, and the procedural and substantive law of the District to
847 the proceeding for enforcement or modification. Titles 3, 4, 5, 7, and 8 do not apply.

848 Sec. 614. Notice to issuing tribunal of modification.

849 Within 30 days after issuance of a modified child-support order, the party obtaining the
850 modification shall file a certified copy of the order with the issuing tribunal that had continuing,
851 exclusive jurisdiction over the earlier order, and in each tribunal in which the party knows the
852 earlier order has been registered. A party who obtains the order and fails to file a certified copy
853 is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The
854 failure to file does not affect the validity or enforceability of the modified order of the new
855 tribunal having continuing, exclusive jurisdiction.

856 **SUBTITLE D. REGISTRATION AND MODIFICATION OF FOREIGN**
857 **CHILD-SUPPORT ORDER.**

858 Sec. 615. Jurisdiction to modify child-support order of foreign country.

859 (a) Except as otherwise provided in section 711, if a foreign country lacks or refuses to
860 exercise jurisdiction to modify its child-support order pursuant to its laws, a tribunal of the
861 District may assume jurisdiction to modify the child-support order and bind all individuals
862 subject to the personal jurisdiction of the tribunal whether the consent to modification of a child-

863 support order otherwise required of the individual pursuant to section 611 has been given or
864 whether the individual seeking modification is a resident of the District or of the foreign country.

865 (b) An order issued by a tribunal of the District modifying a foreign child-support order
866 pursuant to this section is the controlling order.

867 Sec. 616. Procedure to register child-support order of foreign country for modification.

868 A party or support enforcement agency seeking to modify, or to modify and enforce, a
869 foreign child-support order not under the Convention may register that order in the District under
870 sections 601 through 608 if the order has not been registered. A petition for modification may be
871 filed at the same time as a request for registration, or at another time. The petition must specify
872 the grounds for modification.

873 TITLE 7. SUPPORT PROCEEDING UNDER CONVENTION.

874 Sec. 701. Definitions.

875 In this title:

876 (1) “Application” means a request under the Convention by an obligee or obligor, or on
877 behalf of a child, made through a central authority for assistance from another central authority.

878 (2) “Central authority” means the entity designated by the United States or a foreign
879 country described in section 102(6)(D) to perform the functions specified in the Convention.

880 (3) “Convention support order” means a support order of a tribunal of a foreign country
881 described in section 102(6)(D).

882 (4) “Direct request” means a petition filed by an individual in a tribunal of the District in
883 a proceeding involving an obligee, obligor, or child residing outside the United States.

884 (5) “Foreign central authority” means the entity designated by a foreign country
885 described in section 102(6)(D) to perform the functions specified in the Convention.

886 (6) “Foreign support agreement”:

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

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

889 (ii) Has been:

890 (I) Formally drawn up or registered as an authentic instrument by a

891 foreign tribunal; or

892 (II) Authenticated by, or concluded, registered, or filed with a

893 foreign tribunal; and

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

895 (B) Includes a maintenance arrangement or authentic instrument under the

896 Convention.

897 (7) “United States central authority” means the Secretary of the United States Department
898 of Health and Human Services.

899 Sec. 702. Applicability.

900 This title applies only to a support proceeding under the Convention. In such a
901 proceeding, if a provision of this title is inconsistent with Titles 1 through 6, this title controls.

902 Sec. 703. Relationship of Office of the Attorney General to United States central
903 authority.

904 The Office of the Attorney General is recognized as the agency designated by the United
905 States central authority to perform specific functions under the Convention.

906 Sec. 704. Initiation by Office of the Attorney General of support proceeding under
907 Convention.

908 (a) In a support proceeding under this title, the Office of the Attorney General shall:

909 (1) Transmit and receive applications; and
910 (2) Initiate or facilitate the institution of a proceeding regarding an application in
911 a tribunal of the District.

912 (b) The following support proceedings are available to an obligee under the Convention:

913 (1) Recognition or recognition and enforcement of a foreign support order;

914 (2) Enforcement of a support order issued or recognized in the District;

915 (3) Establishment of a support order if there is no existing order, including, if
916 necessary, determination of parentage of a child;

917 (4) Establishment of a support order if recognition of a foreign support order is
918 refused under section 708(b)(2), (4), or (9);

919 (5) Modification of a support order of a tribunal of the District; and

920 (6) Modification of a support order of a tribunal of another state or a foreign
921 country.

922 (c) The following support proceedings are available under the Convention to an obligor
923 against which there is an existing support order:

924 (1) Recognition of an order suspending or limiting enforcement of an existing
925 support order of a tribunal of the District;

926 (2) Modification of a support order of a tribunal of the District; and

927 (3) Modification of a support order of a tribunal of another state or a foreign
928 country.

929 (d) A tribunal of the District may not require security, bond, or deposit, however
930 described, to guarantee the payment of costs and expenses in proceedings under the Convention.

931 Sec. 705. Direct request.

932 (a) A petitioner may file a direct request seeking establishment or modification of a
933 support order or determination of parentage of a child. In the proceeding, the law of the District
934 applies.

935 (b) A petitioner may file a direct request seeking recognition and enforcement of a
936 support order or support agreement. In the proceeding, sections 706 through 713 apply.

937 (c) In a direct request for recognition and enforcement of a Convention support order or
938 foreign support agreement:

939 (1) A security, bond, or deposit is not required to guarantee the payment of costs
940 and expenses; and

941 (2) An obligee or obligor that in the issuing country has benefited from free legal
942 assistance is entitled to benefit, at least to the same extent, from any free legal assistance
943 provided for by the law of the District under the same circumstances.

944 (d) A petitioner filing a direct request is not entitled to assistance from the Office of the
945 Attorney General.

946 (e) This title does not prevent the application of laws of the District that provide
947 simplified, more expeditious rules regarding a direct request for recognition and enforcement of
948 a foreign support order or foreign support agreement.

949 Sec. 706. Registration of convention support order.

950 (a) Except as otherwise provided in this title, a party who is an individual or a support
951 enforcement agency seeking recognition of a Convention support order shall register the order in
952 the District as provided in Title 6.

953 (b) Notwithstanding sections 311 and 602(a), a request for registration of a Convention
954 support order must be accompanied by:

955 (1) A complete text of the support order or an abstract or extract of the support
956 order drawn up by the issuing foreign tribunal, which may be in the form recommended by the
957 Hague Conference on Private International Law;

958 (2) A record stating that the support order is enforceable in the issuing country;

959 (3) If the respondent did not appear and was not represented in the proceedings in
960 the issuing country, a record attesting, as appropriate, either that the respondent had proper
961 notice of the proceedings and an opportunity to be heard or that the respondent had proper notice
962 of the support order and an opportunity to be heard in a challenge or appeal on fact or law before
963 a tribunal;

964 (4) A record showing the amount of arrears, if any, and the date the amount was
965 calculated;

966 (5) A record showing a requirement for automatic adjustment of the amount of
967 support, if any, and the information necessary to make the appropriate calculations; and

968 (6) If necessary, a record showing the extent to which the applicant received free
969 legal assistance in the issuing country.

970 (c) A request for registration of a Convention support order may seek recognition and
971 partial enforcement of the order.

972 (d) A tribunal of the District may vacate the registration of a Convention support order
973 without the filing of a contest under section 707 only if, acting on its own motion, the tribunal
974 finds that recognition and enforcement of the order would be manifestly incompatible with
975 public policy.

976 (e) The tribunal shall promptly notify the parties of the registration or the order vacating
977 the registration of a Convention support order.

978 Sec. 707. Contest of registered convention support order.

979 (a) Except as otherwise provided in this title, sections 605 through 608 apply to a contest
980 of a registered Convention support order.

981 (b) A party contesting a registered Convention support order shall file a contest not later
982 than 30 days after notice of the registration, but if the contesting party does not reside in the
983 United States, the contest must be filed not later than 60 days after notice of the registration.

984 (c) If the nonregistering party fails to contest the registered Convention support order by
985 the time specified in subsection (b) of this section, the order is enforceable.

986 (d) A contest of a registered Convention support order may be based only on grounds set
987 forth in section 708. The contesting party bears the burden of proof.

988 (e) In a contest of a registered Convention support order, a tribunal of the District:

989 (1) Is bound by the findings of fact on which the foreign tribunal based its
990 jurisdiction; and

991 (2) May not review the merits of the order.

992 (f) A tribunal of the District deciding a contest of a registered Convention support order
993 shall promptly notify the parties of its decision.

994 (g) A challenge or appeal, if any, does not stay the enforcement of a Convention support
995 order unless there are exceptional circumstances.

996 Sec. 708. Recognition and enforcement of registered convention support order.

997 (a) Except as otherwise provided in subsection (b) of this section, a tribunal of the
998 District shall recognize and enforce a registered Convention support order.

999 (b) The following grounds are the only grounds on which a tribunal of the District may
1000 refuse recognition and enforcement of a registered Convention support order:

- 1001 (1) Recognition and enforcement of the order is manifestly incompatible with
1002 public policy, including the failure of the issuing tribunal to observe minimum standards of due
1003 process, which include notice and an opportunity to be heard;
- 1004 (2) The issuing tribunal lacked personal jurisdiction consistent with section 201;
- 1005 (3) The order is not enforceable in the issuing country;
- 1006 (4) The order was obtained by fraud in connection with a matter of procedure;
- 1007 (5) A record transmitted in accordance with section 706 lacks authenticity or
1008 integrity;
- 1009 (6) A proceeding between the same parties and having the same purpose is
1010 pending before a tribunal of the District and that proceeding was the first to be filed;
- 1011 (7) The order is incompatible with a more recent support order involving the same
1012 parties and having the same purpose if the more recent support order is entitled to recognition
1013 and enforcement under this act in the District;
- 1014 (8) Payment, to the extent alleged arrears have been paid in whole or in part;
- 1015 (9) In a case in which the respondent neither appeared nor was represented in the
1016 proceeding in the issuing foreign country:
- 1017 (A) If the law of that country provides for prior notice of proceedings, the
1018 respondent did not have proper notice of the proceedings and an opportunity to be heard; or
- 1019 (B) If the law of that country does not provide for prior notice of the
1020 proceedings, the respondent did not have proper notice of the order and an opportunity to be
1021 heard in a challenge or appeal on fact or law before a tribunal; or
- 1022 (10) The order was made in violation of section 711.

1023 (c) If a tribunal of the District does not recognize a Convention support order under
1024 subsection (b)(2), (4), or (9) of this section:

1025 (1) The tribunal may not dismiss the proceeding without allowing a reasonable
1026 time for a party to request the establishment of a new Convention support order; and

1027 (2) The Office of the Attorney General shall take all appropriate measures to
1028 request a child-support order for the obligee if the application for recognition and enforcement
1029 was received under section 704.

1030 Sec. 709. Partial enforcement.

1031 If a tribunal of the District does not recognize and enforce a Convention support order in
1032 its entirety, it shall enforce any severable part of the order. An application or direct request may
1033 seek recognition and partial enforcement of a Convention support order.

1034 Sec. 710. Foreign support agreement.

1035 (a) Except as otherwise provided in subsections (c) and (d) of this section, a tribunal of
1036 the District shall recognize and enforce a foreign support agreement registered in the District.

1037 (b) An application or direct request for recognition and enforcement of a foreign support
1038 agreement must be accompanied by:

1039 (1) A complete text of the foreign support agreement; and

1040 (2) A record stating that the foreign support agreement is enforceable as an order
1041 of support in the issuing country.

1042 (c) A tribunal of the District may vacate the registration of a foreign support agreement
1043 only if, acting on its own motion, the tribunal finds that recognition and enforcement would be
1044 manifestly incompatible with public policy.

1045 (d) In a contest of a foreign support agreement, a tribunal of the District may refuse
1046 recognition and enforcement of the agreement if it finds:

1047 (1) Recognition and enforcement of the agreement is manifestly incompatible
1048 with public policy;

1049 (2) The agreement was obtained by fraud or falsification;

1050 (3) The agreement is incompatible with a support order involving the same parties
1051 and having the same purpose in the District, another state, or a foreign country if the support
1052 order is entitled to recognition and enforcement under this act in the District; or

1053 (4) The record submitted under subsection (b) of this section lacks authenticity or
1054 integrity.

1055 (e) A proceeding for recognition and enforcement of a foreign support agreement must be
1056 suspended during the pendency of a challenge to or appeal of the agreement before a tribunal of
1057 another state or a foreign country.

1058 Sec. 711. Modification of convention child-support order.

1059 (a) A tribunal of the District may not modify a Convention child-support order if the
1060 obligee remains a resident of the foreign country where the support order was issued unless:

1061 (1) The obligee submits to the jurisdiction of a tribunal of the District, either
1062 expressly or by defending on the merits of the case without objecting to the jurisdiction at the
1063 first available opportunity; or

1064 (2) The foreign tribunal lacks or refuses to exercise jurisdiction to modify its
1065 support order or issue a new support order.

1066 (b) If a tribunal of the District does not modify a Convention child-support order because
1067 the order is not recognized in the District, section 708(c) applies.

1068 Sec. 712. Personal information; limit on use.

1069 Personal information gathered or transmitted under this title may be used only for the
1070 purposes for which it was gathered or transmitted.

1071 Sec. 713. Record in original language; English translation.

1072 A record filed with a tribunal of the District under this title must be in the original
1073 language and, if not in English, must be accompanied by an English translation.

1074 TITLE 8. INTERSTATE RENDITION

1075 Sec. 801. Grounds for rendition.

1076 (a) For purposes of this title, “governor” includes an individual performing the functions
1077 of governor or the executive authority of a state covered by this act.

1078 (b) The Mayor may:

1079 (1) Demand that the governor of another state surrender an individual found in the
1080 other state who is charged criminally in the District with having failed to provide for the support
1081 of an obligee; or

1082 (2) On the demand of the governor of another state, surrender an individual found
1083 in the District who is charged criminally in the other state with having failed to provide for the
1084 support of an obligee.

1085 (c) A provision for extradition of individuals not inconsistent with this act applies to the
1086 demand even if the individual whose surrender is demanded was not in the demanding state
1087 when the crime was allegedly committed and has not fled therefrom.

1088 Sec. 802. Conditions of rendition.

1089 (a) Before making a demand that the governor of another state surrender an individual
1090 charged criminally in the District with having failed to provide for the support of an obligee, the

1091 Mayor may require a prosecutor of the District to demonstrate that at least 60 days previously the
1092 obligee had initiated proceedings for support pursuant to this act or that the proceeding would be
1093 of no avail.

1094 (b) If, under this act or a law substantially similar to this act, the governor of another state
1095 makes a demand that the Mayor surrender an individual charged criminally in that state with
1096 having failed to provide for the support of a child or other individual to whom a duty of support
1097 is owed, the Mayor may require a prosecutor to investigate the demand and report whether a
1098 proceeding for support has been initiated or would be effective. If it appears that a proceeding
1099 would be effective but has not been initiated, the Mayor may delay honoring the demand for a
1100 reasonable time to permit the initiation of a proceeding.

1101 (c) If a proceeding for support has been initiated and the individual whose rendition is
1102 demanded prevails, the Mayor may decline to honor the demand. If the petitioner prevails and
1103 the individual whose rendition is demanded is subject to a support order, the governor may
1104 decline to honor the demand if the individual is complying with the support order.

1105 TITLE 9. MISCELLANEOUS PROVISIONS

1106 Sec. 901. Uniformity of application and construction.

1107 In applying and construing this uniform act, consideration must be given to the need to
1108 promote uniformity of the law with respect to its subject matter among states that enact it.

1109 Sec. 902. Repealer.

1110 The Uniform Interstate Family Support Act of 1995, effective February 9, 1996 (D.C.
1111 Law 11-81; D.C. Official Code § 46-301.01*et seq.*), is repealed.

1112 Sec. 903. Transitional provision.

1113 This act applies to proceedings begun on or after the effective date of this act to establish
1114 a support order or determine parentage of a child or to register, recognize, enforce, or modify a
1115 prior support order, determination, or agreement, whenever issued or entered.

1116 Sec. 904. Fiscal impact statement.

1117 The Council adopts the fiscal impact statement in the committee report for the Uniform
1118 Interstate Family Support Act of 2015, as the fiscal impact statement required by section
1119 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat.
1120 813; D.C. Official Code § 1-206.03(c)(3)).

1121 Sec. 905. Effective date.

1122 This act shall take effect following approval by the Mayor (or in the event of veto by the
1123 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
1124 90 days, as provided for emergency acts of the Council of the District of Columbia in section
1125 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
1126 D.C. Official Code § 1-204.12(a)).