
By: Delegates Montague, Hubbard, Doory, Pitkin, Benson, R. Baker, Frush, Rosenberg, Owings, Shriver, T. Murphy, Turner, McHale, and ~~Menes~~ Menes, and Grosfeld

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 25, 1996

CHAPTER _____

1 AN ACT concerning

2 **Maryland Uniform Interstate Family Support Act**

3 FOR the purpose of repealing the Maryland Uniform Reciprocal Enforcement of
4 Support Act; enacting the Maryland Uniform Interstate Family Support Act;
5 establishing procedures in proceedings under this Act involving two or more states
6 to establish, modify, or enforce a support order or to determine parentage;
7 providing that, with certain exceptions, the issuing tribunal retains continuing,
8 exclusive jurisdiction over a support order; establishing the priority of existing
9 multiple support orders; establishing procedures applicable to proceedings under
10 this Act; authorizing a tribunal of this State to issue a support order under certain
11 circumstances; establishing procedures for direct enforcement of the order of
12 another state without registration of the order with a tribunal of this State;
13 establishing procedures for enforcement and modification of the order of another
14 state after registration with a tribunal of this State; establishing procedures for a
15 party to contest the validity or enforcement of an order of another state that is
16 registered in this State; authorizing a tribunal of this State to determine parentage
17 of a child under certain circumstances; establishing procedures for interstate
18 rendition of certain individuals; defining certain terms; providing for the application
19 of this Act; making provisions of this Act severable; providing for a delayed effective
20 date; and generally relating to interstate enforcement of support orders.

21 BY repealing

22 Article - Family Law

23 Section 10-301 through 10-340, inclusive, and the subtitle "Subtitle 3. Maryland

24 Uniform Reciprocal Enforcement of Support Act"

25 Annotated Code of Maryland

2

1 (1991 Replacement Volume and 1995 Supplement)

2 BY adding to

3 Article - Family Law

4 Section 10-301 through ~~10-347~~, 10-348, inclusive, to be under the new subtitle

5 "Subtitle 3. Maryland Uniform Interstate Family Support Act"

6 Annotated Code of Maryland

7 (1991 Replacement Volume and 1995 Supplement)

8 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
9 MARYLAND, That Section(s) 10-301 through 10-340, inclusive, and the subtitle
10 "Subtitle 3. Maryland Uniform Reciprocal Enforcement of Support Act" of Article -
11 Family Law of the Annotated Code of Maryland be repealed.

12 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
13 read as follows:

14 **Article - Family Law**

15 **SUBTITLE 3. MARYLAND UNIFORM INTERSTATE FAMILY SUPPORT ACT.**

16 **PART I. GENERAL PROVISIONS.**

17 **10-301. DEFINITIONS.**

18 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
19 INDICATED.

20 (B) "CHILD" MEANS AN INDIVIDUAL, WHETHER OVER OR UNDER THE AGE
21 OF MAJORITY, WHO IS OR IS ALLEGED TO BE OWED A DUTY OF SUPPORT BY THE
22 INDIVIDUAL'S PARENT OR WHO IS OR IS ALLEGED TO BE THE BENEFICIARY OF A
23 SUPPORT ORDER DIRECTED TO THE PARENT.

24 (C) "CHILD SUPPORT ORDER" MEANS A SUPPORT ORDER FOR A CHILD,
25 INCLUDING A CHILD WHO HAS ATTAINED THE AGE OF MAJORITY UNDER THE LAW
26 OF THE ISSUING STATE.

27 (D) "DUTY OF SUPPORT" MEANS AN OBLIGATION IMPOSED OR IMPOSABLE BY
28 LAW TO PROVIDE SUPPORT FOR A CHILD, SPOUSE, OR FORMER SPOUSE, INCLUDING
29 AN UNSATISFIED OBLIGATION TO PROVIDE SUPPORT.

30 (E) "HOME STATE" MEANS THE STATE IN WHICH A CHILD LIVED WITH A
31 PARENT OR A PERSON ACTING AS PARENT FOR AT LEAST 6 CONSECUTIVE MONTHS
32 IMMEDIATELY PRECEDING THE TIME OF FILING OF A COMPLAINT OR COMPARABLE
33 PLEADING FOR SUPPORT AND, IF A CHILD IS LESS THAN 6 MONTHS OLD, THE STATE
34 IN WHICH THE CHILD LIVED FROM BIRTH WITH ANY OF THEM. A PERIOD OF
35 TEMPORARY ABSENCE OF ANY OF THEM IS COUNTED AS PART OF THE 6-MONTH OR
36 OTHER PERIOD.

1 (F) "INCOME" INCLUDES EARNINGS OR OTHER PERIODIC ENTITLEMENTS TO
2 MONEY FROM ANY SOURCE AND ANY OTHER PROPERTY SUBJECT TO
3 WITHHOLDING FOR SUPPORT UNDER THE LAW OF THIS STATE.

4 (G) "INCOME WITHHOLDING ORDER" MEANS AN ORDER OR OTHER LEGAL
5 PROCESS DIRECTED TO AN OBLIGOR'S EMPLOYER UNDER SUBTITLE 1 OF THIS TITLE
6 TO WITHHOLD SUPPORT FROM THE INCOME OF THE OBLIGOR.

7 (H) "INITIATING STATE" MEANS A STATE IN WHICH A PROCEEDING UNDER
8 THIS SUBTITLE OR A LAW SUBSTANTIALLY SIMILAR TO THIS SUBTITLE, THE
9 UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT, OR THE REVISED
10 UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT IS FILED FOR
11 FORWARDING TO A RESPONDING STATE.

12 (I) "INITIATING TRIBUNAL" MEANS THE AUTHORIZED TRIBUNAL IN AN
13 INITIATING STATE.

14 (J) "ISSUING STATE" MEANS THE STATE IN WHICH A TRIBUNAL ISSUES A
15 SUPPORT ORDER OR RENDERS A JUDGMENT DETERMINING PARENTAGE.

16 (K) "ISSUING TRIBUNAL" MEANS THE TRIBUNAL THAT ISSUES A SUPPORT
17 ORDER OR RENDERS A JUDGMENT DETERMINING PARENTAGE.

18 (L) "LAW" INCLUDES DECISIONAL AND STATUTORY LAW AND RULES AND
19 REGULATIONS HAVING THE FORCE OF LAW.

20 (M) "OBLIGEE" MEANS:

21 (1) AN INDIVIDUAL TO WHOM A DUTY OF SUPPORT IS OR IS ALLEGED
22 TO BE OWED OR IN WHOSE FAVOR A SUPPORT ORDER HAS BEEN ISSUED OR A
23 JUDGMENT DETERMINING PARENTAGE HAS BEEN RENDERED;

24 (2) A STATE OR POLITICAL SUBDIVISION TO WHICH THE RIGHTS UNDER
25 A DUTY OF SUPPORT OR SUPPORT ORDER HAVE BEEN ASSIGNED OR WHICH HAS
26 INDEPENDENT CLAIMS BASED ON FINANCIAL ASSISTANCE PROVIDED TO AN
27 INDIVIDUAL OBLIGEE; OR

28 (3) AN INDIVIDUAL SEEKING A JUDGMENT DETERMINING PARENTAGE
29 OF THE INDIVIDUAL'S CHILD.

30 (N) "OBLIGOR" MEANS AN INDIVIDUAL OR THE ESTATE OF A DECEDENT:

31 (1) WHO OWES OR IS ALLEGED TO OWE A DUTY OF SUPPORT;

32 (2) WHO IS ALLEGED BUT HAS NOT BEEN ADJUDICATED TO BE A
33 PARENT OF A CHILD; OR

34 (3) WHO IS LIABLE UNDER A SUPPORT ORDER.

35 (O) "REGISTER" MEANS TO RECORD A SUPPORT ORDER OR JUDGMENT
36 DETERMINING PARENTAGE IN THE REGISTRY OF FOREIGN SUPPORT ORDERS.

37 (P) "REGISTERING TRIBUNAL" MEANS A TRIBUNAL IN WHICH A SUPPORT
38 ORDER IS REGISTERED.

4

1 (Q) "RESPONDING STATE" MEANS A STATE TO WHICH A PROCEEDING IS
2 FORWARDED UNDER THIS SUBTITLE OR A LAW SUBSTANTIALLY SIMILAR TO THIS
3 SUBTITLE, THE UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT, OR THE
4 REVISED UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT.

5 (R) "RESPONDING TRIBUNAL" MEANS THE AUTHORIZED TRIBUNAL IN A
6 RESPONDING STATE.

7 (S) "SPOUSAL SUPPORT ORDER" MEANS A SUPPORT ORDER FOR A SPOUSE
8 OR FORMER SPOUSE OF THE OBLIGOR.

9 (T) (1) "STATE" MEANS A STATE OF THE UNITED STATES, THE DISTRICT OF
10 COLUMBIA, THE COMMONWEALTH OF PUERTO RICO, OR ANY TERRITORY OR
11 INSULAR POSSESSION SUBJECT TO THE JURISDICTION OF THE UNITED STATES.

12 (2) "STATE" INCLUDES:

13 (I) AN INDIAN TRIBE; AND

14 (II) A FOREIGN JURISDICTION THAT HAS ESTABLISHED
15 PROCEDURES FOR ISSUANCE AND ENFORCEMENT OF SUPPORT ORDERS WHICH ARE
16 SUBSTANTIALLY SIMILAR TO THE PROCEDURES UNDER THIS SUBTITLE.

17 (U) "SUPPORT ENFORCEMENT AGENCY" MEANS A PUBLIC OFFICIAL OR
18 AGENCY AUTHORIZED TO SEEK:

19 (1) ENFORCEMENT OF SUPPORT ORDERS OR LAWS RELATING TO THE
20 DUTY OF SUPPORT;

21 (2) ESTABLISHMENT OR MODIFICATION OF CHILD SUPPORT;

22 (3) DETERMINATION OF PARENTAGE; OR

23 (4) THE LOCATION OF OBLIGORS OR THEIR ASSETS.

24 (V) "SUPPORT ORDER" MEANS A JUDGMENT, DECREE, OR ORDER, WHETHER
25 TEMPORARY, FINAL, OR SUBJECT TO MODIFICATION, FOR THE BENEFIT OF A CHILD,
26 A SPOUSE, OR A FORMER SPOUSE, WHICH PROVIDES FOR MONETARY SUPPORT,
27 HEALTH CARE, ARREARAGES, OR REIMBURSEMENT, AND MAY INCLUDE RELATED
28 COSTS AND FEES, INTEREST, INCOME WITHHOLDING, ATTORNEY'S FEES, AND
29 OTHER RELIEF.

30 (W) "TRIBE" MEANS A TRIBE, BAND, OR VILLAGE OF NATIVE AMERICANS
31 WHICH IS RECOGNIZED BY FEDERAL LAW OR FORMALLY ACKNOWLEDGED BY A
32 STATE.

33 ~~(W)~~ (X) "TRIBUNAL" MEANS A COURT, ADMINISTRATIVE AGENCY, OR
34 QUASI-JUDICIAL ENTITY AUTHORIZED TO ESTABLISH, ENFORCE, OR MODIFY
35 SUPPORT ORDERS OR TO DETERMINE PARENTAGE.

36 10-302. TRIBUNALS OF THIS STATE.

37 THE CIRCUIT COURTS ARE THE TRIBUNALS OF THIS STATE.

5

1 10-303. REMEDIES CUMULATIVE.

2 REMEDIES PROVIDED BY THIS SUBTITLE ARE CUMULATIVE AND DO NOT
3 AFFECT THE AVAILABILITY OF REMEDIES UNDER OTHER LAW.

4 PART II. JURISDICTION.

5 SUBPART A. PROCEEDINGS INVOLVING TWO OR MORE STATES.

6 10-304. INITIATING AND RESPONDING TRIBUNAL OF THIS STATE.

7 UNDER THIS SUBTITLE, A TRIBUNAL OF THIS STATE MAY SERVE AS AN
8 INITIATING TRIBUNAL TO FORWARD PROCEEDINGS TO ANOTHER STATE AND AS A
9 RESPONDING TRIBUNAL FOR PROCEEDINGS INITIATED IN ANOTHER STATE.

10 10-305. SIMULTANEOUS PROCEEDINGS IN ANOTHER STATE.

11 (A) A TRIBUNAL OF THIS STATE MAY EXERCISE JURISDICTION TO ESTABLISH
12 A SUPPORT ORDER IF THE COMPLAINT OR COMPARABLE PLEADING IS FILED AFTER
13 A COMPLAINT OR COMPARABLE PLEADING IS FILED IN ANOTHER STATE ONLY IF:

14 (1) THE COMPLAINT OR COMPARABLE PLEADING IN THIS STATE IS
15 FILED BEFORE THE EXPIRATION OF THE TIME ALLOWED IN THE OTHER STATE FOR
16 FILING A RESPONSIVE PLEADING CHALLENGING THE EXERCISE OF JURISDICTION
17 BY THE OTHER STATE;

18 (2) THE CONTESTING PARTY TIMELY CHALLENGES THE EXERCISE OF
19 JURISDICTION IN THE OTHER STATE; AND

20 (3) IF RELEVANT, THIS STATE IS THE HOME STATE OF THE CHILD.

21 (B) A TRIBUNAL OF THIS STATE MAY NOT EXERCISE JURISDICTION TO
22 ESTABLISH A SUPPORT ORDER IF THE COMPLAINT OR COMPARABLE PLEADING IS
23 FILED BEFORE A COMPLAINT OR COMPARABLE PLEADING IS FILED IN ANOTHER
24 STATE IF:

25 (1) THE COMPLAINT OR COMPARABLE PLEADING IN THE OTHER STATE
26 IS FILED BEFORE THE EXPIRATION OF THE TIME ALLOWED IN THIS STATE FOR
27 FILING A RESPONSIVE PLEADING CHALLENGING THE EXERCISE OF JURISDICTION
28 BY THIS STATE;

29 (2) THE CONTESTING PARTY TIMELY CHALLENGES THE EXERCISE OF
30 JURISDICTION IN THIS STATE; AND

31 (3) IF RELEVANT, THE OTHER STATE IS THE HOME STATE OF THE
32 CHILD.

33 10-306. CONTINUING EXCLUSIVE JURISDICTION.

34 (A) A TRIBUNAL OF THIS STATE ISSUING A SUPPORT ORDER CONSISTENT
35 WITH THE LAW OF THIS STATE HAS CONTINUING, EXCLUSIVE JURISDICTION OVER A
36 CHILD SUPPORT ORDER:

6

1 (1) AS LONG AS THIS STATE REMAINS THE RESIDENCE OF THE
2 OBLIGOR, THE INDIVIDUAL OBLIGEE, OR THE CHILD FOR WHOSE BENEFIT THE
3 SUPPORT ORDER IS ISSUED; OR

4 (2) UNTIL EACH INDIVIDUAL PARTY HAS FILED WRITTEN CONSENT
5 WITH THE TRIBUNAL OF THIS STATE FOR A TRIBUNAL OF ANOTHER STATE TO
6 MODIFY THE ORDER AND ASSUME CONTINUING, EXCLUSIVE JURISDICTION.

7 (B) A TRIBUNAL OF THIS STATE ISSUING A CHILD SUPPORT ORDER
8 CONSISTENT WITH THE LAW OF THIS STATE MAY NOT EXERCISE ITS CONTINUING
9 JURISDICTION TO MODIFY THE ORDER IF THE ORDER HAS BEEN MODIFIED BY A
10 TRIBUNAL OF ANOTHER STATE PURSUANT TO A LAW SUBSTANTIALLY SIMILAR TO
11 THIS SUBTITLE.

12 (C) IF A CHILD SUPPORT ORDER OF THIS STATE IS MODIFIED BY A TRIBUNAL
13 OF ANOTHER STATE PURSUANT TO A LAW SUBSTANTIALLY SIMILAR TO THIS
14 SUBTITLE, A TRIBUNAL OF THIS STATE LOSES ITS CONTINUING, EXCLUSIVE
15 JURISDICTION WITH REGARD TO PROSPECTIVE ENFORCEMENT OF THE ORDER
16 ISSUED IN THIS STATE, AND MAY ONLY:

17 (1) ENFORCE THE ORDER THAT WAS MODIFIED AS TO AMOUNTS
18 ACCRUING BEFORE THE MODIFICATION;

19 (2) ENFORCE NONMODIFIABLE ASPECTS OF THAT ORDER; AND

20 (3) PROVIDE OTHER APPROPRIATE RELIEF FOR VIOLATIONS OF THAT
21 ORDER WHICH OCCURRED BEFORE THE EFFECTIVE DATE OF THE MODIFICATION.

22 (D) A TRIBUNAL OF THIS STATE SHALL RECOGNIZE THE CONTINUING,
23 EXCLUSIVE JURISDICTION OF A TRIBUNAL OF ANOTHER STATE WHICH HAS ISSUED
24 A CHILD SUPPORT ORDER PURSUANT TO A LAW SUBSTANTIALLY SIMILAR TO THIS
25 SUBTITLE.

26 (E) A TEMPORARY SUPPORT ORDER ISSUED EX PARTE OR PENDING
27 RESOLUTION OF A JURISDICTIONAL CONFLICT DOES NOT CREATE CONTINUING,
28 EXCLUSIVE JURISDICTION IN THE ISSUING TRIBUNAL.

29 (F) A TRIBUNAL OF THIS STATE ISSUING A SUPPORT ORDER CONSISTENT
30 WITH THE LAW OF THIS STATE HAS CONTINUING, EXCLUSIVE JURISDICTION OVER A
31 SPOUSAL SUPPORT ORDER THROUGHOUT THE EXISTENCE OF THE SUPPORT
32 OBLIGATION. A TRIBUNAL OF THIS STATE MAY NOT MODIFY A SPOUSAL SUPPORT
33 ORDER ISSUED BY A TRIBUNAL OF ANOTHER STATE HAVING CONTINUING,
34 EXCLUSIVE JURISDICTION OVER THAT ORDER UNDER THE LAW OF THAT STATE.

35 10-307. ENFORCEMENT AND MODIFICATION OF SUPPORT ORDER BY TRIBUNAL
36 HAVING CONTINUING JURISDICTION.

37 (A) A TRIBUNAL OF THIS STATE MAY SERVE AS AN INITIATING TRIBUNAL TO
38 REQUEST A TRIBUNAL OF ANOTHER STATE TO ENFORCE OR MODIFY A SUPPORT
39 ORDER ISSUED IN THAT STATE.

40 (B) A TRIBUNAL OF THIS STATE HAVING CONTINUING, EXCLUSIVE
41 JURISDICTION OVER A SUPPORT ORDER MAY ACT AS A RESPONDING TRIBUNAL TO

7
1 ENFORCE OR MODIFY THE ORDER. IF A PARTY SUBJECT TO THE CONTINUING,
2 EXCLUSIVE JURISDICTION OF THE TRIBUNAL NO LONGER RESIDES IN THE ISSUING
3 STATE, IN SUBSEQUENT PROCEEDINGS THE TRIBUNAL MAY APPLY § 10-325 OF THIS
4 SUBTITLE (ASSISTANCE WITH DISCOVERY) TO OBTAIN DISCOVERY THROUGH A
5 TRIBUNAL OF ANOTHER STATE.

6 (C) A TRIBUNAL OF THIS STATE WHICH LACKS CONTINUING, EXCLUSIVE
7 JURISDICTION OVER A SPOUSAL SUPPORT ORDER MAY NOT SERVE AS A
8 RESPONDING TRIBUNAL TO MODIFY A SPOUSAL SUPPORT ORDER OF ANOTHER
9 STATE.

10 SUBPART B. RECONCILIATION WITH ORDERS OF OTHER STATES.

11 10-308. RECOGNITION OF CHILD SUPPORT ORDERS.

12 (A) IF A PROCEEDING IS BROUGHT UNDER THIS SUBTITLE, AND ONE OR
13 MORE CHILD SUPPORT ORDERS HAVE BEEN ISSUED IN THIS OR ANOTHER STATE
14 WITH REGARD TO AN OBLIGOR AND A CHILD, A TRIBUNAL OF THIS STATE SHALL
15 APPLY THE FOLLOWING RULES IN DETERMINING WHICH ORDER TO RECOGNIZE
16 FOR PURPOSES OF CONTINUING, EXCLUSIVE JURISDICTION:

17 (1) IF ONLY ONE TRIBUNAL HAS ISSUED A CHILD SUPPORT ORDER, THE
18 ORDER OF THAT TRIBUNAL MUST BE RECOGNIZED.

19 (2) IF TWO OR MORE TRIBUNALS HAVE ISSUED CHILD SUPPORT
20 ORDERS FOR THE SAME OBLIGOR AND CHILD, AND ONLY ONE OF THE TRIBUNALS
21 WOULD HAVE CONTINUING, EXCLUSIVE JURISDICTION UNDER THIS SUBTITLE, THE
22 ORDER OF THAT TRIBUNAL MUST BE RECOGNIZED.

23 (3) IF TWO OR MORE TRIBUNALS HAVE ISSUED CHILD SUPPORT
24 ORDERS FOR THE SAME OBLIGOR AND CHILD, AND MORE THAN ONE OF THE
25 TRIBUNALS WOULD HAVE CONTINUING, EXCLUSIVE JURISDICTION UNDER THIS
26 SUBTITLE, AN ORDER ISSUED BY A TRIBUNAL IN THE CURRENT HOME STATE OF
27 THE CHILD MUST BE RECOGNIZED, BUT IF AN ORDER HAS NOT BEEN ISSUED IN THE
28 CURRENT HOME STATE OF THE CHILD, THE ORDER MOST RECENTLY ISSUED MUST
29 BE RECOGNIZED.

30 (4) IF TWO OR MORE TRIBUNALS HAVE ISSUED CHILD SUPPORT
31 ORDERS FOR THE SAME OBLIGOR AND CHILD, AND NONE OF THE TRIBUNALS
32 WOULD HAVE CONTINUING, EXCLUSIVE JURISDICTION UNDER THIS SUBTITLE, THE
33 TRIBUNAL OF THIS STATE MAY ISSUE A CHILD SUPPORT ORDER, WHICH MUST BE
34 RECOGNIZED.

35 (B) THE TRIBUNAL THAT HAS ISSUED AN ORDER RECOGNIZED UNDER
36 SUBSECTION (A) OF THIS SECTION IS THE TRIBUNAL HAVING CONTINUING,
37 EXCLUSIVE JURISDICTION.

38 10-309. MULTIPLE CHILD SUPPORT ORDERS FOR TWO OR MORE OBLIGEES.

39 IN RESPONDING TO MULTIPLE REGISTRATIONS OR REQUESTS FOR
40 ENFORCEMENT OF TWO OR MORE CHILD SUPPORT ORDERS IN EFFECT AT THE SAME
41 TIME WITH REGARD TO THE SAME OBLIGOR AND DIFFERENT INDIVIDUAL

8

1 OBLIGEES, AT LEAST ONE OF WHICH WAS ISSUED BY A TRIBUNAL OF ANOTHER
2 STATE, A TRIBUNAL OF THIS STATE SHALL ENFORCE THOSE ORDERS IN THE SAME
3 MANNER AS IF THE MULTIPLE ORDERS HAD BEEN ISSUED BY A TRIBUNAL OF THIS
4 STATE.

5 10-310. CREDIT FOR PAYMENTS.

6 AMOUNTS COLLECTED AND CREDITED FOR A PARTICULAR PERIOD PURSUANT
7 TO A SUPPORT ORDER ISSUED BY A TRIBUNAL OF ANOTHER STATE MUST BE
8 CREDITED AGAINST THE AMOUNTS ACCRUING OR ACCRUED FOR THE SAME
9 PERIOD UNDER A SUPPORT ORDER ISSUED BY THE TRIBUNAL OF THIS STATE.

10 PART III. CIVIL PROVISIONS OF GENERAL APPLICATION.

11 10-311. PROCEEDINGS UNDER THIS SUBTITLE.

12 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, THIS PART III
13 APPLIES TO ALL PROCEEDINGS UNDER THIS SUBTITLE.

14 (B) THIS SUBTITLE PROVIDES FOR THE FOLLOWING PROCEEDINGS:

15 (1) ESTABLISHMENT OF AN ORDER FOR SPOUSAL SUPPORT OR CHILD
16 SUPPORT PURSUANT TO PART IV OF THIS SUBTITLE;

17 (2) ENFORCEMENT OF A SUPPORT ORDER AND INCOME WITHHOLDING
18 ORDER OF ANOTHER STATE WITHOUT REGISTRATION PURSUANT TO PART V OF
19 THIS SUBTITLE;

20 (3) REGISTRATION OF AN ORDER FOR SPOUSAL SUPPORT OR CHILD
21 SUPPORT OF ANOTHER STATE FOR ENFORCEMENT PURSUANT TO PART VI OF THIS
22 SUBTITLE;

23 (4) MODIFICATION OF AN ORDER FOR CHILD SUPPORT OR SPOUSAL
24 SUPPORT ISSUED BY A TRIBUNAL OF THIS STATE PURSUANT TO PART II, SUBPART A
25 OF THIS SUBTITLE;

26 (5) REGISTRATION OF AN ORDER FOR CHILD SUPPORT OF ANOTHER
27 STATE FOR MODIFICATION PURSUANT TO PART VI OF THIS SUBTITLE; AND

28 (6) DETERMINATION OF PARENTAGE PURSUANT TO PART VII OF THIS
29 SUBTITLE.

30 (C) AN INDIVIDUAL OR A SUPPORT ENFORCEMENT AGENCY MAY COMMENCE
31 A PROCEEDING AUTHORIZED UNDER THIS SUBTITLE BY FILING A COMPLAINT IN AN
32 INITIATING TRIBUNAL FOR FORWARDING TO A RESPONDING TRIBUNAL OR BY
33 FILING A COMPLAINT OR A COMPARABLE PLEADING DIRECTLY IN A TRIBUNAL OF
34 ANOTHER STATE WHICH HAS OR CAN OBTAIN PERSONAL JURISDICTION OVER THE
35 DEFENDANT.

36 10-312. ACTION BY MINOR PARENT.

37 A MINOR PARENT, OR A GUARDIAN OR OTHER LEGAL REPRESENTATIVE OF A
38 MINOR PARENT, MAY MAINTAIN A PROCEEDING ON BEHALF OF OR FOR THE
39 BENEFIT OF THE MINOR'S CHILD.

1 10-313. APPLICATION OF LAW OF THIS STATE.

2 EXCEPT AS OTHERWISE PROVIDED BY THIS SUBTITLE, A RESPONDING
3 TRIBUNAL OF THIS STATE:

4 (1) SHALL APPLY THE PROCEDURAL AND SUBSTANTIVE LAW,
5 INCLUDING THE RULES ON CHOICE OF LAW, GENERALLY APPLICABLE TO SIMILAR
6 PROCEEDINGS ORIGINATING IN THIS STATE AND MAY EXERCISE ALL POWERS AND
7 PROVIDE ALL REMEDIES AVAILABLE IN THOSE PROCEEDINGS; AND

8 (2) SHALL DETERMINE THE DUTY OF SUPPORT AND THE AMOUNT
9 PAYABLE IN ACCORDANCE WITH THE LAW AND SUPPORT GUIDELINES OF THIS
10 STATE.

11 10-314. DUTIES OF INITIATING TRIBUNAL.

12 UPON THE FILING OF A COMPLAINT AUTHORIZED BY THIS SUBTITLE, AN
13 INITIATING TRIBUNAL OF THIS STATE SHALL FORWARD THREE COPIES OF THE
14 COMPLAINT AND ITS ACCOMPANYING DOCUMENTS:

15 (1) TO THE RESPONDING TRIBUNAL OR APPROPRIATE SUPPORT
16 ENFORCEMENT AGENCY IN THE RESPONDING STATE; OR

17 (2) IF THE IDENTITY OF THE RESPONDING TRIBUNAL IS UNKNOWN, TO
18 THE STATE INFORMATION AGENCY OF THE RESPONDING STATE WITH A REQUEST
19 THAT THEY BE FORWARDED TO THE APPROPRIATE TRIBUNAL AND THAT RECEIPT
20 BE ACKNOWLEDGED.

21 10-315. DUTIES AND POWERS OF RESPONDING TRIBUNAL.

22 (A) WHEN A RESPONDING TRIBUNAL OF THIS STATE RECEIVES A COMPLAINT
23 OR COMPARABLE PLEADING FROM AN INITIATING TRIBUNAL OR DIRECTLY
24 PURSUANT TO § 10-311 OF THIS SUBTITLE (PROCEEDINGS UNDER THIS SUBTITLE), IT
25 SHALL CAUSE THE COMPLAINT OR PLEADING TO BE FILED AND NOTIFY THE
26 PLAINTIFF BY FIRST-CLASS MAIL WHERE AND WHEN IT WAS FILED.

27 (B) A RESPONDING TRIBUNAL OF THIS STATE, TO THE EXTENT OTHERWISE
28 AUTHORIZED BY LAW, MAY DO ONE OR MORE OF THE FOLLOWING:

29 (1) ISSUE OR ENFORCE A SUPPORT ORDER, MODIFY A CHILD SUPPORT
30 ORDER, OR RENDER A JUDGMENT TO DETERMINE PARENTAGE;

31 (2) ORDER AN OBLIGOR TO COMPLY WITH A SUPPORT ORDER,
32 SPECIFYING THE AMOUNT AND THE MANNER OF COMPLIANCE;

33 (3) ORDER INCOME WITHHOLDING;

34 (4) DETERMINE THE AMOUNT OF ANY ARREARAGES AND SPECIFY A
35 METHOD OF PAYMENT;

36 (5) ENFORCE ORDERS BY CIVIL OR CRIMINAL CONTEMPT, OR BOTH;

37 (6) SET ASIDE PROPERTY FOR SATISFACTION OF THE SUPPORT ORDER;

10

1 (7) PLACE LIENS AND ORDER EXECUTION ON THE OBLIGOR'S
2 PROPERTY;

3 (8) ORDER AN OBLIGOR TO KEEP THE TRIBUNAL INFORMED OF THE
4 OBLIGOR'S CURRENT RESIDENTIAL ADDRESS, TELEPHONE NUMBER, EMPLOYER,
5 ADDRESS OF EMPLOYMENT, AND TELEPHONE NUMBER AT THE PLACE OF
6 EMPLOYMENT;

7 (9) ISSUE A BENCH WARRANT FOR AN OBLIGOR WHO HAS FAILED
8 AFTER PROPER NOTICE TO APPEAR AT A HEARING ORDERED BY THE TRIBUNAL
9 AND ENTER THE BENCH WARRANT IN ANY LOCAL AND STATE COMPUTER SYSTEMS
10 FOR CRIMINAL WARRANTS;

11 (10) ORDER THE OBLIGOR TO SEEK APPROPRIATE EMPLOYMENT BY
12 SPECIFIED METHODS;

13 (11) AWARD REASONABLE ATTORNEY'S FEES AND OTHER FEES AND
14 COSTS; AND

15 (12) GRANT ANY OTHER AVAILABLE REMEDY.

16 (C) A RESPONDING TRIBUNAL OF THIS STATE SHALL INCLUDE IN A SUPPORT
17 ORDER ISSUED UNDER THIS SUBTITLE, OR IN THE DOCUMENTS ACCOMPANYING
18 THE ORDER, THE CALCULATIONS ON WHICH THE SUPPORT ORDER IS BASED.

19 (D) A RESPONDING TRIBUNAL OF THIS STATE MAY NOT CONDITION THE
20 PAYMENT OF A SUPPORT ORDER ISSUED UNDER THIS SUBTITLE UPON COMPLIANCE
21 BY A PARTY WITH PROVISIONS FOR VISITATION.

22 (E) IF A RESPONDING TRIBUNAL OF THIS STATE ISSUES AN ORDER UNDER
23 THIS SUBTITLE, THE TRIBUNAL SHALL SEND A COPY OF THE ORDER BY FIRST-CLASS
24 MAIL TO THE PLAINTIFF AND THE DEFENDANT AND TO THE INITIATING TRIBUNAL,
25 IF ANY.

26 10-316. INAPPROPRIATE TRIBUNAL.

27 IF A COMPLAINT OR COMPARABLE PLEADING IS RECEIVED BY AN
28 INAPPROPRIATE TRIBUNAL OF THIS STATE, IT SHALL FORWARD THE PLEADING AND
29 ACCOMPANYING DOCUMENTS TO AN APPROPRIATE TRIBUNAL IN THIS STATE OR
30 ANOTHER STATE AND NOTIFY THE PLAINTIFF BY FIRST-CLASS MAIL WHERE AND
31 WHEN THE PLEADING WAS SENT.

32 10-317. DUTIES OF SUPPORT ENFORCEMENT AGENCY.

33 (A) A SUPPORT ENFORCEMENT AGENCY OF THIS STATE, UPON REQUEST,
34 SHALL PROVIDE SERVICES TO A PLAINTIFF IN A PROCEEDING UNDER THIS
35 SUBTITLE.

36 (B) A SUPPORT ENFORCEMENT AGENCY THAT IS PROVIDING SERVICES TO
37 THE PLAINTIFF AS APPROPRIATE SHALL:

38 (1) TAKE ALL STEPS NECESSARY TO ENABLE AN APPROPRIATE
39 TRIBUNAL IN THIS STATE OR ANOTHER STATE TO OBTAIN JURISDICTION OVER THE
40 DEFENDANT;

11

1 (2) REQUEST AN APPROPRIATE TRIBUNAL TO SET A DATE, TIME, AND
2 PLACE FOR A HEARING;

3 (3) MAKE A REASONABLE EFFORT TO OBTAIN ALL RELEVANT
4 INFORMATION, INCLUDING INFORMATION AS TO INCOME AND PROPERTY OF THE
5 PARTIES;

6 (4) WITHIN 2 DAYS, EXCLUSIVE OF SATURDAYS, SUNDAYS, AND LEGAL
7 HOLIDAYS, AFTER RECEIPT OF A WRITTEN NOTICE FROM AN INITIATING,
8 RESPONDING, OR REGISTERING TRIBUNAL, SEND A COPY OF THE NOTICE BY
9 FIRST-CLASS MAIL TO THE PLAINTIFF;

10 (5) WITHIN 2 DAYS, EXCLUSIVE OF SATURDAYS, SUNDAYS, AND LEGAL
11 HOLIDAYS, AFTER RECEIPT OF A WRITTEN COMMUNICATION FROM THE
12 DEFENDANT OR THE DEFENDANT'S ATTORNEY, SEND A COPY OF THE
13 COMMUNICATION BY FIRST-CLASS MAIL TO THE PLAINTIFF; AND

14 (6) NOTIFY THE PLAINTIFF IF JURISDICTION OVER THE DEFENDANT
15 CANNOT BE OBTAINED.

16 (C) THIS SUBTITLE DOES NOT CREATE ~~OR NEGATE~~ A RELATIONSHIP OF
17 ATTORNEY AND CLIENT OR OTHER FIDUCIARY RELATIONSHIP BETWEEN A
18 SUPPORT ENFORCEMENT AGENCY OR THE ATTORNEY FOR THE AGENCY AND THE
19 INDIVIDUAL BEING ASSISTED BY THE AGENCY. THE ATTORNEY REPRESENTING THE
20 SUPPORT ENFORCEMENT AGENCY SHALL ADVISE THE PERSON BEING ASSISTED BY
21 THE AGENCY THAT THE ATTORNEY'S REPRESENTATION OF THE ADMINISTRATION
22 DOES NOT CREATE AN ATTORNEY-CLIENT RELATIONSHIP BETWEEN THE
23 ATTORNEY AND THAT PERSON.

24 10-318. PRIVATE COUNSEL.

25 AN INDIVIDUAL MAY EMPLOY PRIVATE COUNSEL TO REPRESENT THE
26 INDIVIDUAL IN PROCEEDINGS AUTHORIZED BY THIS SUBTITLE.

27 10-319. DUTIES OF CHILD SUPPORT ENFORCEMENT ADMINISTRATION.

28 (A) THE CHILD SUPPORT ENFORCEMENT ADMINISTRATION IS THE STATE
29 INFORMATION AGENCY UNDER THIS SUBTITLE.

30 (B) THE STATE INFORMATION AGENCY SHALL:

31 (1) COMPILE AND MAINTAIN A CURRENT LIST, INCLUDING ADDRESSES,
32 OTHER TRIBUNALS IN THIS STATE WHICH HAVE JURISDICTION UNDER THIS
33 SUBTITLE, AND ANY SUPPORT ENFORCEMENT AGENCIES IN THIS STATE AND
34 TRANSMIT A COPY TO THE STATE INFORMATION AGENCY OF EVERY OTHER STATE;

35 (2) MAINTAIN A REGISTER OF TRIBUNALS AND SUPPORT
36 ENFORCEMENT AGENCIES RECEIVED FROM OTHER STATES;

37 (3) FORWARD TO THE APPROPRIATE TRIBUNAL IN THE PLACE IN THIS
38 STATE IN WHICH THE INDIVIDUAL OBLIGEE OR THE OBLIGOR RESIDES, OR IN
39 WHICH THE OBLIGOR'S PROPERTY IS BELIEVED TO BE LOCATED, ALL DOCUMENTS
40 CONCERNING A PROCEEDING UNDER THIS SUBTITLE RECEIVED FROM AN

12

1 INITIATING TRIBUNAL OR THE STATE INFORMATION AGENCY OF THE INITIATING
2 STATE; AND

3 (4) OBTAIN INFORMATION CONCERNING THE LOCATION OF THE
4 OBLIGOR AND THE OBLIGOR'S PROPERTY WITHIN THIS STATE NOT EXEMPT FROM
5 EXECUTION, BY SUCH MEANS AS POSTAL VERIFICATION AND FEDERAL OR STATE
6 LOCATOR SERVICES, EXAMINATION OF TELEPHONE DIRECTORIES, REQUESTS FOR
7 THE OBLIGOR'S ADDRESS FROM EMPLOYERS, AND EXAMINATION OF
8 GOVERNMENTAL RECORDS, INCLUDING, TO THE EXTENT NOT PROHIBITED BY
9 OTHER LAW, THOSE RELATING TO REAL PROPERTY, VITAL STATISTICS, LAW
10 ENFORCEMENT, TAXATION, MOTOR VEHICLES, DRIVERS' LICENSES, AND SOCIAL
11 SECURITY.

12 10-320. PLEADINGS AND ACCOMPANYING DOCUMENTS.

13 (A) A PLAINTIFF SEEKING TO ESTABLISH OR MODIFY A SUPPORT ORDER OR
14 TO DETERMINE PARENTAGE IN A PROCEEDING UNDER THIS SUBTITLE MUST
15 VERIFY THE COMPLAINT. UNLESS OTHERWISE ORDERED UNDER § 10-321 OF THIS
16 SUBTITLE (NONDISCLOSURE OF INFORMATION IN EXCEPTIONAL CIRCUMSTANCES),
17 THE PLAINTIFF OR ACCOMPANYING DOCUMENTS MUST PROVIDE, SO FAR AS
18 KNOWN, THE NAME, RESIDENTIAL ADDRESS, AND SOCIAL SECURITY NUMBERS OF
19 THE OBLIGOR AND THE OBLIGEE AND THE NAME, SEX, RESIDENTIAL ADDRESS,
20 SOCIAL SECURITY NUMBER, AND DATE OF BIRTH OF EACH CHILD FOR WHOM
21 SUPPORT IS SOUGHT. THE COMPLAINT MUST BE ACCOMPANIED BY A CERTIFIED
22 COPY OF ANY SUPPORT ORDER IN EFFECT. THE COMPLAINT MAY INCLUDE ANY
23 OTHER INFORMATION THAT MAY ASSIST IN LOCATING OR IDENTIFYING THE
24 DEFENDANT.

25 (B) THE COMPLAINT MUST SPECIFY THE RELIEF SOUGHT. THE COMPLAINT
26 AND ACCOMPANYING DOCUMENTS MUST CONFORM SUBSTANTIALLY WITH THE
27 REQUIREMENTS IMPOSED BY THE FORMS MANDATED BY FEDERAL LAW FOR USE IN
28 CASES FILED BY A SUPPORT ENFORCEMENT AGENCY.

29 10-321. NONDISCLOSURE OF INFORMATION IN EXCEPTIONAL CIRCUMSTANCES.

30 UPON A FINDING, WHICH MAY BE MADE EX PARTE, THAT THE HEALTH,
31 SAFETY, OR LIBERTY OF A PARTY OR CHILD WOULD BE UNREASONABLY PUT AT
32 RISK BY THE DISCLOSURE OF IDENTIFYING INFORMATION, OR IF AN EXISTING
33 ORDER SO PROVIDES, A TRIBUNAL SHALL ORDER THAT THE ADDRESS OF THE
34 CHILD OR PARTY OR OTHER IDENTIFYING INFORMATION NOT BE DISCLOSED IN A
35 PLEADING OR OTHER DOCUMENT FILED IN A PROCEEDING UNDER THIS SUBTITLE.

36 10-322. COST AND FEES.

37 (A) THE PLAINTIFF MAY NOT BE REQUIRED TO PAY A FILING FEE OR OTHER
38 COSTS.

39 (B) IF AN OBLIGEE PREVAILS, A RESPONDING TRIBUNAL MAY ASSESS
40 AGAINST AN OBLIGOR FILING FEES, REASONABLE ATTORNEY'S FEES, OTHER COSTS,
41 AND NECESSARY TRAVEL AND OTHER REASONABLE EXPENSES INCURRED BY THE
42 OBLIGEE AND THE OBLIGEE'S WITNESSES. THE TRIBUNAL MAY NOT ASSESS FEES,
43 COSTS, OR EXPENSES AGAINST THE OBLIGEE OR THE SUPPORT ENFORCEMENT

13

1 AGENCY OF EITHER THE INITIATING OR THE RESPONDING STATE, EXCEPT AS
2 PROVIDED BY OTHER LAW. ATTORNEY'S FEES MAY BE TAXED AS COSTS, AND MAY
3 BE ORDERED PAID DIRECTLY TO THE ATTORNEY, WHO MAY ENFORCE THE ORDER
4 IN THE ATTORNEY'S OWN NAME. PAYMENT OF SUPPORT OWED TO THE OBLIGEE
5 HAS PRIORITY OVER FEES, COSTS, AND EXPENSES.

6 (C) THE TRIBUNAL ~~SHALL~~ MAY ORDER THE PAYMENT OF COSTS AND
7 REASONABLE ATTORNEY'S FEES IF IT DETERMINES THAT A HEARING WAS
8 REQUESTED PRIMARILY FOR DELAY. ~~IN A PROCEEDING UNDER PART VI OF THIS~~
9 ~~SUBTITLE (ENFORCEMENT AND MODIFICATION OF SUPPORT ORDER AFTER~~
10 ~~REGISTRATION), A HEARING IS PRESUMED TO HAVE BEEN REQUESTED PRIMARILY~~
11 ~~FOR DELAY IF A REGISTERED SUPPORT ORDER IS CONFIRMED OR ENFORCED~~
12 ~~WITHOUT CHANGE.~~

13 10-323. LIMITED IMMUNITY OF PLAINTIFF.

14 (A) PARTICIPATION BY A PLAINTIFF IN A PROCEEDING BEFORE A
15 RESPONDING TRIBUNAL, WHETHER IN PERSON, BY PRIVATE ATTORNEY, OR
16 THROUGH SERVICES PROVIDED BY THE SUPPORT ENFORCEMENT AGENCY, DOES
17 NOT CONFER PERSONAL JURISDICTION OVER THE PLAINTIFF IN ANOTHER
18 PROCEEDING.

19 (B) A PLAINTIFF IS NOT AMENABLE TO SERVICE OF CIVIL PROCESS WHILE
20 PHYSICALLY PRESENT IN THIS STATE TO PARTICIPATE IN A PROCEEDING UNDER
21 THIS SUBTITLE.

22 (C) THE IMMUNITY GRANTED BY THIS SECTION DOES NOT EXTEND TO CIVIL
23 LITIGATION BASED ON ACTS UNRELATED TO A PROCEEDING UNDER THIS SUBTITLE
24 COMMITTED BY A PARTY WHILE PRESENT IN THIS STATE TO PARTICIPATE IN THE
25 PROCEEDING.

26 10-324. SPECIAL RULES OF EVIDENCE AND PROCEDURE.

27 (A) THE PHYSICAL PRESENCE OF THE PLAINTIFF IN A RESPONDING
28 TRIBUNAL OF THIS STATE IS NOT REQUIRED FOR THE ESTABLISHMENT,
29 ENFORCEMENT, OR MODIFICATION OF A SUPPORT ORDER OR THE RENDITION OF A
30 JUDGMENT DETERMINING PARENTAGE.

31 (B) A VERIFIED COMPLAINT, AFFIDAVIT, DOCUMENT SUBSTANTIALLY
32 COMPLYING WITH FEDERALLY MANDATED FORMS, AND A DOCUMENT
33 INCORPORATED BY REFERENCE IN ANY OF THEM, NOT EXCLUDED UNDER THE
34 HEARSAY RULE IF GIVEN IN PERSON, IS ADMISSIBLE IN EVIDENCE IF GIVEN UNDER
35 OATH BY A PARTY OR WITNESS RESIDING IN ANOTHER STATE.

36 (C) A COPY OF THE RECORD OF CHILD SUPPORT PAYMENTS CERTIFIED AS A
37 TRUE COPY OF THE ORIGINAL BY THE CUSTODIAN OF THE RECORD MAY BE
38 FORWARDED TO A RESPONDING TRIBUNAL. THE COPY IS EVIDENCE OF FACTS
39 ASSERTED IN IT, AND IS ADMISSIBLE TO SHOW WHETHER PAYMENTS WERE MADE.

40 (D) COPIES OF BILLS FOR TESTING FOR PARENTAGE, AND FOR PRENATAL
41 AND POSTNATAL HEALTH CARE OF THE MOTHER AND CHILD, FURNISHED TO THE
42 ADVERSE PARTY AT LEAST 10 DAYS BEFORE TRIAL, ARE ADMISSIBLE IN EVIDENCE

14

1 TO PROVE THE AMOUNT OF THE CHARGES BILLED AND THAT THE CHARGES WERE
2 REASONABLE, NECESSARY, AND CUSTOMARY.

3 (E) IN A PROCEEDING UNDER THIS SUBTITLE, A TRIBUNAL OF THIS STATE
4 MAY PERMIT A PARTY OR WITNESS RESIDING IN ANOTHER STATE TO BE DEPOSED
5 OR TO TESTIFY BY TELEPHONE, AUDIOVISUAL MEANS, OR OTHER ELECTRONIC
6 MEANS AT A DESIGNATED TRIBUNAL OR OTHER LOCATION IN THAT STATE. A
7 TRIBUNAL OF THIS STATE SHALL COOPERATE WITH TRIBUNALS OF OTHER STATES
8 IN DESIGNATING AN APPROPRIATE LOCATION FOR THE DEPOSITION OR
9 TESTIMONY.

10 (F) LAWS ATTACHING A PRIVILEGE AGAINST THE DISCLOSURE OF
11 COMMUNICATIONS BETWEEN HUSBAND AND WIFE DO NOT APPLY TO PROCEEDINGS
12 UNDER THIS SUBTITLE.

13 (G) IN PROCEEDINGS UNDER THIS SUBTITLE, HUSBAND AND WIFE ARE
14 COMPETENT WITNESSES AND MAY BE COMPELLED TO TESTIFY TO ANY RELEVANT
15 MATTER, INCLUDING MARRIAGE AND PARENTAGE.

16 ~~40-324. 10-325.~~ COMMUNICATIONS BETWEEN TRIBUNALS.

17 A TRIBUNAL OF THIS STATE MAY COMMUNICATE WITH A TRIBUNAL OF
18 ANOTHER STATE IN WRITING, OR BY TELEPHONE OR OTHER MEANS, TO OBTAIN
19 INFORMATION CONCERNING THE LAWS OF THAT STATE, THE LEGAL EFFECT OF A
20 JUDGMENT, DECREE, OR ORDER OF THAT TRIBUNAL, AND THE STATUS OF A
21 PROCEEDING IN THE OTHER STATE. A TRIBUNAL OF THIS STATE MAY FURNISH
22 SIMILAR INFORMATION BY SIMILAR MEANS TO A TRIBUNAL OF ANOTHER STATE.

23 ~~40-325. 10-326.~~ ASSISTANCE WITH DISCOVERY.

24 A TRIBUNAL OF THIS STATE MAY:

25 (1) REQUEST A TRIBUNAL OF ANOTHER STATE TO ASSIST IN OBTAINING
26 DISCOVERY; AND

27 (2) UPON REQUEST, COMPEL A PERSON OVER WHOM IT HAS
28 JURISDICTION TO RESPOND TO A DISCOVERY ORDER ISSUED BY A TRIBUNAL OF
29 ANOTHER STATE.

30 ~~40-326. 10-327.~~ RECEIPT AND DISBURSEMENT OF PAYMENTS.

31 A SUPPORT ENFORCEMENT AGENCY OR TRIBUNAL OF THIS STATE SHALL
32 DISBURSE PROMPTLY ANY AMOUNTS RECEIVED PURSUANT TO A SUPPORT ORDER,
33 AS DIRECTED BY THE ORDER. THE AGENCY OR TRIBUNAL SHALL FURNISH TO A
34 REQUESTING PARTY OR TRIBUNAL OF ANOTHER STATE A CERTIFIED STATEMENT
35 BY THE CUSTODIAN OF THE RECORD OF THE AMOUNTS AND DATES OF ALL
36 PAYMENTS RECEIVED.

15

1 PART IV. ESTABLISHMENT OF SUPPORT ORDER.

2 ~~10-327~~ 10-328. COMPLAINT TO ESTABLISH SUPPORT ORDER.

3 (A) IF A SUPPORT ORDER ENTITLED TO RECOGNITION UNDER THIS SUBTITLE
4 HAS NOT BEEN ISSUED, A RESPONDING TRIBUNAL OF THIS STATE MAY ISSUE A
5 SUPPORT ORDER IF:

6 (1) THE INDIVIDUAL SEEKING THE ORDER RESIDES IN ANOTHER
7 STATE; OR

8 (2) THE SUPPORT ENFORCEMENT AGENCY SEEKING THE ORDER IS
9 LOCATED IN ANOTHER STATE.

10 (B) THE TRIBUNAL MAY ISSUE A TEMPORARY CHILD SUPPORT ORDER IF:

11 (1) THE DEFENDANT HAS SIGNED A VERIFIED STATEMENT
12 ACKNOWLEDGING PARENTAGE;

13 (2) THE DEFENDANT HAS BEEN DETERMINED BY OR PURSUANT TO
14 LAW TO BE THE PARENT; OR

15 (3) THERE IS OTHER CLEAR AND CONVINCING EVIDENCE THAT THE
16 DEFENDANT IS THE CHILD'S PARENT.

17 (C) UPON FINDING, AFTER NOTICE AND OPPORTUNITY TO BE HEARD, THAT
18 AN OBLIGOR OWES A DUTY OF SUPPORT, THE TRIBUNAL SHALL ISSUE A SUPPORT
19 ORDER DIRECTED TO THE OBLIGOR AND MAY ISSUE OTHER ORDERS PURSUANT TO
20 § 10-315 OF THIS SUBTITLE (DUTIES AND POWERS OF RESPONDING TRIBUNAL).

21 PART V. DIRECT ENFORCEMENT OF ORDER OF ANOTHER STATE WITHOUT
22 REGISTRATION.

23 ~~10-328~~ 10-329. RECOGNITION OF INCOME WITHHOLDING ORDER OF ANOTHER STATE.

24 (A) AN INCOME WITHHOLDING ORDER ISSUED IN ANOTHER STATE MAY BE
25 SENT BY FIRST-CLASS MAIL TO THE PERSON OR ENTITY DEFINED AS THE OBLIGOR'S
26 EMPLOYER UNDER SUBTITLE 1 OF THIS TITLE WITHOUT FIRST FILING A REQUEST
27 FOR SERVICE OF THE ORDER OR COMPARABLE PLEADING OR REGISTERING THE
28 ORDER WITH A TRIBUNAL OF THIS STATE. UPON RECEIPT OF THE ORDER, THE
29 EMPLOYER SHALL:

30 (1) TREAT AN INCOME WITHHOLDING ORDER ISSUED IN ANOTHER
31 STATE WHICH APPEARS REGULAR ON ITS FACE AS IF IT HAD BEEN ISSUED BY A
32 TRIBUNAL OF THIS STATE;

33 (2) IMMEDIATELY PROVIDE A COPY OF THE ORDER TO THE OBLIGOR;
34 AND

35 (3) DISTRIBUTE THE FUNDS AS DIRECTED IN THE WITHHOLDING
36 ORDER.

37 (B) AN OBLIGOR MAY CONTEST THE VALIDITY OR ENFORCEMENT OF AN
38 INCOME WITHHOLDING ORDER ISSUED IN ANOTHER STATE IN THE SAME MANNER

16

1 AS IF THE ORDER HAD BEEN ISSUED BY A TRIBUNAL OF THIS STATE. SECTION ~~40-333~~
2 10-334 OF THIS SUBTITLE (CHOICE OF LAW) APPLIES TO THE CONTEST. THE OBLIGOR
3 SHALL GIVE NOTICE OF THE CONTEST TO ANY SUPPORT ENFORCEMENT AGENCY
4 PROVIDING SERVICES TO THE OBLIGEE AND TO:

5 (1) THE PERSON OR AGENCY DESIGNATED TO RECEIVE PAYMENT IN
6 THE INCOME WITHHOLDING ORDER; OR

7 (2) IF NO PERSON OR AGENCY IS DESIGNATED, THE OBLIGEE.

8 ~~40-329~~, 10-330, ADMINISTRATIVE ENFORCEMENT OF ORDERS.

9 (A) A PARTY SEEKING TO ENFORCE A SUPPORT ORDER OR AN INCOME
10 WITHHOLDING ORDER, OR BOTH, ISSUED BY A TRIBUNAL OF ANOTHER STATE MAY
11 SEND THE DOCUMENTS REQUIRED FOR REGISTERING THE ORDER TO A SUPPORT
12 ENFORCEMENT AGENCY OF THIS STATE.

13 (B) UPON RECEIPT OF THE DOCUMENTS, THE SUPPORT ENFORCEMENT
14 AGENCY, WITHOUT INITIALLY SEEKING TO REGISTER THE ORDER, SHALL
15 CONSIDER AND, IF APPROPRIATE, USE ANY ADMINISTRATIVE PROCEDURE
16 AUTHORIZED BY THE LAW OF THIS STATE TO ENFORCE A SUPPORT ORDER OR AN
17 INCOME WITHHOLDING ORDER, OR BOTH. IF THE OBLIGOR DOES NOT CONTEST
18 ADMINISTRATIVE ENFORCEMENT, THE ORDER NEED NOT BE REGISTERED. IF THE
19 OBLIGOR CONTESTS THE VALIDITY OR ADMINISTRATIVE ENFORCEMENT OF THE
20 ORDER, THE SUPPORT ENFORCEMENT AGENCY SHALL REGISTER THE ORDER
21 PURSUANT TO THIS SUBTITLE.

22 PART VI. ENFORCEMENT AND MODIFICATION OF SUPPORT ORDER AFTER
23 REGISTRATION.

24 SUBPART A. REGISTRATION AND ENFORCEMENT OF SUPPORT ORDER.

25 ~~40-330~~, 10-331, REGISTRATION OF ORDER FOR ENFORCEMENT.

26 A SUPPORT ORDER OR AN INCOME WITHHOLDING ORDER ISSUED BY A
27 TRIBUNAL OF ANOTHER STATE MAY BE REGISTERED IN THIS STATE FOR
28 ENFORCEMENT.

29 ~~40-331~~, 10-332, PROCEDURE TO REGISTER ORDER FOR ENFORCEMENT.

30 (A) A SUPPORT ORDER OR INCOME WITHHOLDING ORDER OF ANOTHER
31 STATE MAY BE REGISTERED IN THIS STATE BY SENDING THE FOLLOWING
32 DOCUMENTS AND INFORMATION TO THE APPROPRIATE TRIBUNAL IN THIS STATE:

33 (1) A LETTER OF TRANSMITTAL TO THE TRIBUNAL REQUESTING
34 REGISTRATION AND ENFORCEMENT;

35 (2) TWO COPIES, INCLUDING ONE CERTIFIED COPY, OF ALL ORDERS TO
36 BE REGISTERED, INCLUDING ANY MODIFICATION OF AN ORDER;

37 (3) A SWORN STATEMENT BY THE PARTY SEEKING REGISTRATION OR A
38 CERTIFIED STATEMENT BY THE CUSTODIAN OF THE RECORDS SHOWING THE
39 AMOUNT OF ANY ARREARAGE;

17

1 (4) THE NAME OF THE OBLIGOR AND, IF KNOWN:

2 (I) THE OBLIGOR'S ADDRESS AND SOCIAL SECURITY NUMBER;

3 (II) THE NAME AND ADDRESS OF THE OBLIGOR'S EMPLOYER AND
4 ANY OTHER SOURCE OF INCOME OF THE OBLIGOR; AND

5 (III) A DESCRIPTION AND THE LOCATION OF PROPERTY OF THE
6 OBLIGOR IN THIS STATE NOT EXEMPT FROM EXECUTION; AND

7 (5) THE NAME AND ADDRESS OF THE OBLIGEE AND, IF APPLICABLE,
8 THE AGENCY OR PERSON TO WHOM SUPPORT PAYMENTS ARE TO BE REMITTED.

9 (B) ON RECEIPT OF A REQUEST FOR REGISTRATION, THE REGISTERING
10 TRIBUNAL SHALL CAUSE THE ORDER TO BE FILED AS A FOREIGN JUDGMENT,
11 TOGETHER WITH ONE COPY OF THE DOCUMENTS AND INFORMATION, REGARDLESS
12 OF THEIR FORM.

13 (C) A COMPLAINT OR COMPARABLE PLEADING SEEKING A REMEDY THAT
14 MUST BE AFFIRMATIVELY SOUGHT UNDER OTHER LAW OF THIS STATE MAY BE
15 FILED AT THE SAME TIME AS THE REQUEST FOR REGISTRATION OR LATER. THE
16 PLEADING MUST SPECIFY THE GROUNDS FOR THE REMEDY SOUGHT.

17 ~~40-332-10-333~~. EFFECT OF REGISTRATION FOR ENFORCEMENT.

18 (A) A SUPPORT ORDER OR INCOME WITHHOLDING ORDER ISSUED IN
19 ANOTHER STATE IS REGISTERED WHEN THE ORDER IS FILED IN THE REGISTERING
20 TRIBUNAL OF THIS STATE.

21 (B) A REGISTERED ORDER ISSUED IN ANOTHER STATE IS ENFORCEABLE IN
22 THE SAME MANNER AND IS SUBJECT TO THE SAME PROCEDURES AS AN ORDER
23 ISSUED BY A TRIBUNAL OF THIS STATE.

24 (C) EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, A TRIBUNAL OF THIS
25 STATE SHALL RECOGNIZE AND ENFORCE, BUT MAY NOT MODIFY, A REGISTERED
26 ORDER IF THE ISSUING TRIBUNAL HAD JURISDICTION.

27 ~~40-333-10-334~~. CHOICE OF LAW.

28 (A) THE LAW OF THE ISSUING STATE GOVERNS THE NATURE, EXTENT,
29 AMOUNT, AND DURATION OF CURRENT PAYMENTS AND OTHER OBLIGATIONS OF
30 SUPPORT AND THE PAYMENT OF ARREARAGES UNDER THE ORDER.

31 (B) IN A PROCEEDING FOR ARREARAGES, THE STATUTE OF LIMITATION
32 UNDER THE LAWS OF THIS STATE OR OF THE ISSUING STATE, WHICHEVER IS
33 LONGER, APPLIES.

34 SUBPART B. CONTEST OF VALIDITY OR ENFORCEMENT.

35 ~~40-334-10-335~~. NOTICE OF REGISTRATION OF ORDER.

36 (A) WHEN A SUPPORT ORDER OR INCOME WITHHOLDING ORDER ISSUED IN
37 ANOTHER STATE IS REGISTERED, THE REGISTERING TRIBUNAL SHALL NOTIFY THE
38 NONREGISTERING PARTY. NOTICE MUST BE GIVEN BY FIRST-CLASS, CERTIFIED, OR

18

1 REGISTERED MAIL OR BY ANY MEANS OF PERSONAL SERVICE AUTHORIZED BY THE
2 LAW OF THIS STATE. THE NOTICE MUST BE ACCOMPANIED BY A COPY OF THE
3 REGISTERED ORDER AND THE DOCUMENTS AND RELEVANT INFORMATION
4 ACCOMPANYING THE ORDER.

5 (B) THE NOTICE MUST INFORM THE NONREGISTERING PARTY:

6 (1) THAT A REGISTERED ORDER IS ENFORCEABLE AS OF THE DATE OF
7 REGISTRATION IN THE SAME MANNER AS AN ORDER ISSUED BY A TRIBUNAL OF
8 THIS STATE;

9 (2) THAT A HEARING TO CONTEST THE VALIDITY OR ENFORCEMENT OF
10 THE REGISTERED ORDER MUST BE REQUESTED WITHIN 20 DAYS AFTER THE DATE
11 OF MAILING OR PERSONAL SERVICE OF THE NOTICE;

12 (3) THAT FAILURE TO CONTEST THE VALIDITY OR ENFORCEMENT OF
13 THE REGISTERED ORDER IN A TIMELY MANNER WILL RESULT IN CONFIRMATION OF
14 THE ORDER AND ENFORCEMENT OF THE ORDER AND THE ALLEGED ARREARAGES
15 AND PRECLUDES FURTHER CONTEST OF THAT ORDER WITH RESPECT TO ANY
16 MATTER THAT COULD HAVE BEEN ASSERTED; AND

17 (4) OF THE AMOUNT OF ANY ALLEGED ARREARAGES.

18 (C) UPON REGISTRATION OF AN INCOME WITHHOLDING ORDER FOR
19 ENFORCEMENT, THE REGISTERING TRIBUNAL SHALL NOTIFY THE OBLIGOR'S
20 EMPLOYER PURSUANT TO SUBTITLE 1 OF THIS TITLE.

21 ~~40-335-10-336~~. 10-336. PROCEDURE TO CONTEST VALIDITY OR ENFORCEMENT OF
22 REGISTERED ORDER.

23 (A) A NONREGISTERING PARTY SEEKING TO CONTEST THE VALIDITY OR
24 ENFORCEMENT OF A REGISTERED ORDER IN THIS STATE SHALL REQUEST A
25 HEARING WITHIN 20 DAYS AFTER THE DATE OF MAILING OR PERSONAL SERVICE OF
26 NOTICE OF THE REGISTRATION. THE NONREGISTERING PARTY MAY SEEK TO
27 VACATE THE REGISTRATION, TO ASSERT ANY DEFENSE TO AN ALLEGATION OF
28 NONCOMPLIANCE WITH THE REGISTERED ORDER, OR TO CONTEST THE REMEDIES
29 BEING SOUGHT OR THE AMOUNT OF ANY ALLEGED ARREARAGES PURSUANT TO §
30 ~~40-336-10-337~~ 10-337 OF THIS SUBTITLE (CONTEST OF REGISTRATION OR ENFORCEMENT).

31 (B) IF THE NONREGISTERING PARTY FAILS TO CONTEST THE VALIDITY OR
32 ENFORCEMENT OF THE REGISTERED ORDER IN A TIMELY MANNER, THE ORDER IS
33 CONFIRMED BY OPERATION OF LAW.

34 (C) IF A NONREGISTERING PARTY REQUESTS A HEARING TO CONTEST THE
35 VALIDITY OR ENFORCEMENT OF THE REGISTERED ORDER, THE REGISTERING
36 TRIBUNAL SHALL SCHEDULE THE MATTER FOR HEARING AND GIVE NOTICE TO THE
37 PARTIES BY FIRST-CLASS MAIL OF THE DATE, TIME, AND PLACE OF THE HEARING.

38 ~~40-336-10-337~~. 10-337. CONTEST OF REGISTRATION OR ENFORCEMENT.

39 (A) A PARTY CONTESTING THE VALIDITY OR ENFORCEMENT OF A
40 REGISTERED ORDER OR SEEKING TO VACATE THE REGISTRATION HAS THE
41 BURDEN OF PROVING ONE OR MORE OF THE FOLLOWING DEFENSES:

19

1 (1) THE ISSUING TRIBUNAL LACKED PERSONAL JURISDICTION OVER
2 THE CONTESTING PARTY;

3 (2) THE ORDER WAS OBTAINED BY FRAUD;

4 (3) THE ORDER HAS BEEN VACATED, SUSPENDED, OR MODIFIED BY A
5 LATER ORDER;

6 (4) THE ISSUING TRIBUNAL HAS STAYED THE ORDER PENDING APPEAL;

7 (5) THERE IS A DEFENSE UNDER THE LAW OF THIS STATE TO THE
8 REMEDY SOUGHT;

9 (6) FULL OR PARTIAL PAYMENT HAS BEEN MADE; OR

10 (7) THE STATUTE OF LIMITATION UNDER § ~~40-333~~ 10-334 OF THIS
11 SUBTITLE (CHOICE OF LAW) PRECLUDES ENFORCEMENT OF SOME OR ALL OF THE
12 ARREARAGES.

13 (B) IF A PARTY PRESENTS EVIDENCE ESTABLISHING A FULL OR PARTIAL
14 DEFENSE UNDER SUBSECTION (A) OF THIS SECTION, A TRIBUNAL MAY STAY
15 ENFORCEMENT OF THE REGISTERED ORDER, CONTINUE THE PROCEEDING TO
16 PERMIT PRODUCTION OF ADDITIONAL RELEVANT EVIDENCE, AND ISSUE OTHER
17 APPROPRIATE ORDERS. AN UNCONTESTED PORTION OF THE REGISTERED ORDER
18 MAY BE ENFORCED BY ALL REMEDIES AVAILABLE UNDER THE LAW OF THIS STATE.

19 (C) IF THE CONTESTING PARTY DOES NOT ESTABLISH A DEFENSE UNDER
20 SUBSECTION (A) OF THIS SECTION TO THE VALIDITY OR ENFORCEMENT OF THE
21 ORDER, THE REGISTERING TRIBUNAL SHALL ISSUE AN ORDER CONFIRMING THE
22 ORDER.

23 ~~40-337. 10-338.~~ CONFIRMED ORDER.

24 CONFIRMATION OF A REGISTERED ORDER, WHETHER BY OPERATION OF LAW
25 OR AFTER NOTICE AND HEARING, PRECLUDES FURTHER CONTEST OF THE ORDER
26 WITH RESPECT TO ANY MATTER THAT COULD HAVE BEEN ASSERTED AT THE TIME
27 OF REGISTRATION.

28 SUBPART C. REGISTRATION AND MODIFICATION OF CHILD SUPPORT ORDER.

29 ~~40-338. 10-339.~~ PROCEDURE TO REGISTER CHILD SUPPORT ORDER OF ANOTHER
30 STATE FOR MODIFICATION.

31 A PARTY OR SUPPORT ENFORCEMENT AGENCY SEEKING TO MODIFY, OR TO
32 MODIFY AND ENFORCE, A CHILD SUPPORT ORDER ISSUED IN ANOTHER STATE
33 SHALL REGISTER THAT ORDER IN THIS STATE IN THE SAME MANNER PROVIDED IN
34 SUBPART A OF THIS PART IF THE ORDER HAS NOT BEEN REGISTERED. A COMPLAINT
35 FOR MODIFICATION MAY BE FILED AT THE SAME TIME AS A REQUEST FOR
36 REGISTRATION, OR LATER. THE PLEADING MUST SPECIFY THE GROUNDS FOR
37 MODIFICATION.

1 ~~10-339~~, 10-340, EFFECT OF REGISTRATION FOR MODIFICATION.

2 A TRIBUNAL OF THIS STATE MAY ENFORCE A CHILD SUPPORT ORDER OF
3 ANOTHER STATE REGISTERED FOR PURPOSES OF MODIFICATION, IN THE SAME
4 MANNER AS IF THE ORDER HAD BEEN ISSUED BY A TRIBUNAL OF THIS STATE, BUT
5 THE REGISTERED ORDER MAY BE MODIFIED ONLY IF THE REQUIREMENTS OF §
6 ~~10-340~~ 10-341 OF THIS SUBTITLE (MODIFICATION OF CHILD SUPPORT ORDER OF
7 ANOTHER STATE) HAVE BEEN MET.

8 ~~10-340~~, 10-341, MODIFICATION OF CHILD SUPPORT ORDER OF ANOTHER STATE.

9 (A) AFTER A CHILD SUPPORT ORDER ISSUED IN ANOTHER STATE HAS BEEN
10 REGISTERED IN THIS STATE, THE RESPONDING TRIBUNAL OF THIS STATE MAY
11 MODIFY THAT ORDER ONLY IF, AFTER NOTICE AND HEARING, IT FINDS THAT:

12 (1) THE FOLLOWING REQUIREMENTS ARE MET:

13 (I) THE CHILD, THE INDIVIDUAL OBLIGEE, AND THE OBLIGOR DO
14 NOT RESIDE IN THE ISSUING STATE;

15 (II) A PLAINTIFF WHO IS A NONRESIDENT OF THIS STATE SEEKS
16 MODIFICATION; AND

17 (III) THE DEFENDANT IS SUBJECT TO THE PERSONAL JURISDICTION
18 OF THE TRIBUNAL OF THIS STATE; OR

19 (2) AN INDIVIDUAL PARTY OR THE CHILD IS SUBJECT TO THE
20 PERSONAL JURISDICTION OF THE TRIBUNAL AND ALL OF THE INDIVIDUAL PARTIES
21 HAVE FILED A WRITTEN CONSENT IN THE ISSUING TRIBUNAL PROVIDING THAT A
22 TRIBUNAL OF THIS STATE MAY MODIFY THE SUPPORT ORDER AND ASSUME
23 CONTINUING, EXCLUSIVE JURISDICTION OVER THE ORDER.

24 (B) MODIFICATION OF A REGISTERED CHILD SUPPORT ORDER IS SUBJECT TO
25 THE SAME REQUIREMENTS, PROCEDURES, AND DEFENSES THAT APPLY TO THE
26 MODIFICATION OF AN ORDER ISSUED BY A TRIBUNAL OF THIS STATE, AND THE
27 ORDER MAY BE ENFORCED AND SATISFIED IN THE SAME MANNER.

28 (C) A TRIBUNAL OF THIS STATE MAY NOT MODIFY ANY ASPECT OF A CHILD
29 SUPPORT ORDER THAT MAY NOT BE MODIFIED UNDER THE LAW OF THE ISSUING
30 STATE.

31 (D) ON ISSUANCE OF AN ORDER MODIFYING A CHILD SUPPORT ORDER
32 ISSUED IN ANOTHER STATE, A TRIBUNAL OF THIS STATE BECOMES THE TRIBUNAL
33 OF CONTINUING, EXCLUSIVE JURISDICTION.

34 (E) WITHIN 30 DAYS AFTER ISSUANCE OF A MODIFIED CHILD SUPPORT
35 ORDER, THE PARTY OBTAINING THE MODIFICATION SHALL FILE A CERTIFIED COPY
36 OF THE ORDER WITH THE ISSUING TRIBUNAL WHICH HAD CONTINUING, EXCLUSIVE
37 JURISDICTION OVER THE EARLIER ORDER, AND IN EACH TRIBUNAL IN WHICH THE
38 PARTY KNOWS THAT EARLIER ORDER HAS BEEN REGISTERED.

21

1 ~~10-341~~, 10-342, RECOGNITION OF ORDER MODIFIED IN ANOTHER STATE.

2 A TRIBUNAL OF THIS STATE SHALL RECOGNIZE A MODIFICATION OF ITS
3 EARLIER CHILD SUPPORT ORDER BY A TRIBUNAL OF ANOTHER STATE WHICH
4 ASSUMED JURISDICTION PURSUANT TO A LAW SUBSTANTIALLY SIMILAR TO THIS
5 SUBTITLE AND, UPON REQUEST, EXCEPT AS OTHERWISE PROVIDED IN THIS
6 SUBTITLE, SHALL:

7 (1) ENFORCE THE ORDER THAT WAS MODIFIED ONLY AS TO AMOUNTS
8 ACCRUING BEFORE THE MODIFICATION;

9 (2) ENFORCE ONLY NONMODIFIABLE ASPECTS OF THAT ORDER;

10 (3) PROVIDE OTHER APPROPRIATE RELIEF ONLY FOR VIOLATIONS OF
11 THAT ORDER WHICH OCCURRED BEFORE THE EFFECTIVE DATE OF THE
12 MODIFICATION; AND

13 (4) RECOGNIZE THE MODIFYING ORDER OF THE OTHER STATE, UPON
14 REGISTRATION, FOR THE PURPOSE OF ENFORCEMENT.

15 PART VII. DETERMINATION OF PARENTAGE.

16 ~~10-342~~, 10-343, PROCEEDING TO DETERMINE PARENTAGE.

17 (A) A TRIBUNAL OF THIS STATE MAY SERVE AS AN INITIATING OR
18 RESPONDING TRIBUNAL IN A PROCEEDING BROUGHT UNDER THIS SUBTITLE OR A
19 LAW SUBSTANTIALLY SIMILAR TO THIS SUBTITLE, THE UNIFORM RECIPROCAL
20 ENFORCEMENT OF SUPPORT ACT, OR THE REVISED UNIFORM RECIPROCAL
21 ENFORCEMENT OF SUPPORT ACT TO DETERMINE THAT THE PLAINTIFF IS A PARENT
22 OF A PARTICULAR CHILD OR TO DETERMINE THAT A DEFENDANT IS A PARENT OF
23 THAT CHILD.

24 (B) IN A PROCEEDING TO DETERMINE PARENTAGE, A RESPONDING
25 TRIBUNAL OF THIS STATE SHALL APPLY THE PROCEDURAL AND SUBSTANTIVE LAW
26 OF THIS STATE AND THE RULES OF THIS STATE ON CHOICE OF LAW.

27 PART VIII. INTERSTATE RENDITION.

28 ~~10-343~~, 10-344, GROUNDS FOR RENDITION.

29 (A) FOR PURPOSES OF THIS PART VIII, "GOVERNOR" INCLUDES AN
30 INDIVIDUAL PERFORMING THE FUNCTIONS OF GOVERNOR OR THE EXECUTIVE
31 AUTHORITY OF A STATE COVERED BY THIS SUBTITLE.

32 (B) THE GOVERNOR OF THIS STATE MAY:

33 (1) DEMAND THAT THE GOVERNOR OF ANOTHER STATE SURRENDER
34 AN INDIVIDUAL FOUND IN THE OTHER STATE WHO IS CHARGED CRIMINALLY IN
35 THIS STATE WITH HAVING FAILED TO PROVIDE FOR THE SUPPORT OF AN OBLIGEE;
36 OR

37 (2) ON THE DEMAND BY THE GOVERNOR OF ANOTHER STATE,
38 SURRENDER AN INDIVIDUAL FOUND IN THIS STATE WHO IS CHARGED CRIMINALLY

22

1 IN THE OTHER STATE WITH HAVING FAILED TO PROVIDE FOR THE SUPPORT OF AN
2 OBLIGEE.

3 (C) A PROVISION FOR EXTRADITION OF INDIVIDUALS NOT INCONSISTENT
4 WITH THIS SUBTITLE APPLIES TO THE DEMAND EVEN IF THE INDIVIDUAL WHOSE
5 SURRENDER IS DEMANDED WAS NOT IN THE DEMANDING STATE WHEN THE CRIME
6 WAS ALLEGEDLY COMMITTED AND HAS NOT FLED THEREFROM.

7 ~~10-344.~~ 10-345. CONDITIONS OF RENDITION.

8 (A) BEFORE MAKING DEMAND THAT THE GOVERNOR OF ANOTHER STATE
9 SURRENDER AN INDIVIDUAL CHARGED CRIMINALLY IN THIS STATE WITH HAVING
10 FAILED TO PROVIDE FOR THE SUPPORT OF AN OBLIGEE, THE GOVERNOR OF THIS
11 STATE MAY REQUIRE A PROSECUTOR OF THIS STATE TO DEMONSTRATE THAT AT
12 LEAST 60 DAYS PREVIOUSLY THE OBLIGEE HAD INITIATED PROCEEDINGS FOR
13 SUPPORT PURSUANT TO THIS SUBTITLE OR THAT THE PROCEEDING WOULD BE OF
14 NO AVAIL.

15 (B) IF, UNDER THIS SUBTITLE OR A LAW SUBSTANTIALLY SIMILAR TO THIS
16 SUBTITLE, THE UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT, OR THE
17 REVISED UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT, THE GOVERNOR
18 OF ANOTHER STATE MAKES A DEMAND THAT THE GOVERNOR OF THIS STATE
19 SURRENDER AN INDIVIDUAL CHARGED CRIMINALLY IN THAT STATE WITH HAVING
20 FAILED TO PROVIDE FOR THE SUPPORT OF A CHILD OR OTHER INDIVIDUAL TO
21 WHOM A DUTY OF SUPPORT IS OWED, THE GOVERNOR MAY REQUIRE A
22 PROSECUTOR TO INVESTIGATE THE DEMAND AND REPORT WHETHER A
23 PROCEEDING FOR SUPPORT HAS BEEN INITIATED OR WOULD BE EFFECTIVE. IF IT
24 APPEARS THAT A PROCEEDING WOULD BE EFFECTIVE BUT HAS NOT BEEN
25 INITIATED, THE GOVERNOR MAY DELAY HONORING THE DEMAND FOR A
26 REASONABLE TIME TO PERMIT THE INITIATION OF A PROCEEDING.

27 (C) IF A PROCEEDING FOR SUPPORT HAS BEEN INITIATED AND THE
28 INDIVIDUAL WHOSE RENDITION IS DEMANDED PREVAILS, THE GOVERNOR MAY
29 DECLINE TO HONOR THE DEMAND. IF THE PLAINTIFF PREVAILS AND THE
30 INDIVIDUAL WHOSE RENDITION IS DEMANDED IS SUBJECT TO A SUPPORT ORDER,
31 THE GOVERNOR MAY DECLINE TO HONOR THE DEMAND IF THE INDIVIDUAL IS
32 COMPLYING WITH THE SUPPORT ORDER.

33 ~~10-345.~~ 10-346. UNIFORMITY OF APPLICATION AND CONSTRUCTION.

34 THIS SUBTITLE SHALL BE APPLIED AND CONSTRUED TO EFFECTUATE ITS
35 GENERAL PURPOSE TO MAKE UNIFORM THE LAW WITH RESPECT TO THE SUBJECT
36 OF THIS SUBTITLE AMONG STATES ENACTING IT.

37 ~~10-346.~~ 10-347. SEVERABILITY CLAUSE.

38 IF ANY PROVISION OF THIS SUBTITLE OR ITS APPLICATION TO ANY PERSON OR
39 CIRCUMSTANCE IS HELD INVALID, THE INVALIDITY DOES NOT AFFECT OTHER
40 PROVISIONS OR APPLICATIONS OF THIS SUBTITLE WHICH CAN BE GIVEN EFFECT
41 WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE
42 PROVISIONS OF THIS SUBTITLE ARE SEVERABLE.

1 ~~10-347~~, 10-348, SHORT TITLE.

2 THIS SUBTITLE MAY BE CITED AS THE MARYLAND UNIFORM INTERSTATE
3 FAMILY SUPPORT ACT.

4 SECTION 3. AND BE IT FURTHER ENACTED, That the captions contained in
5 this Act are not law and may not be considered to have been enacted as part of this Act.

6 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 January 1, 1997.