

HOUSE BILL 1289

D4

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CF SB 941

By: **Delegate Dumais**

Rules suspended

Introduced and read first time: March 23, 2015

Assigned to: Rules and Executive Nominations

Re-referred to: Judiciary, March 26, 2015

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 31, 2015

CHAPTER _____

1 AN ACT concerning

2 **Maryland Uniform Interstate Family Support Act – Revision**

3 FOR the purpose of revising the Maryland Uniform Interstate Family Support Act;
4 establishing that the Child Support Enforcement Administration is the support
5 enforcement agency of the State; extending the application of certain provisions of
6 the Maryland Uniform Interstate Family Support Act to include parties, pleadings,
7 proceedings, and support orders of a foreign country; authorizing a tribunal of this
8 State to exercise jurisdiction over a guardian or conservator under certain
9 circumstances; altering a certain provision governing when a tribunal of this State
10 may act as an initiating or a responding tribunal; altering the circumstances under
11 which a tribunal of this State may exercise jurisdiction to establish a support order;
12 authorizing a tribunal of this State to communicate with a tribunal outside this State
13 by electronic mail; requiring a support enforcement agency to provide certain
14 services to certain plaintiffs and authorizing a support enforcement agency to
15 provide services to certain other plaintiffs; authorizing a tribunal of this State to
16 serve as a responding tribunal in a parentage proceeding under certain
17 circumstances; altering certain provisions governing when a tribunal of this State
18 may modify a child support order issued in another state; providing that a tribunal
19 of this State retains jurisdiction to modify a support order issued by a tribunal of this
20 State under certain circumstances; establishing that the Child Support Enforcement
21 Administration is the recognized agency designated by the United States central
22 authority to perform certain functions under the Convention on International
23 Recovery of Child Support and Other Forms of Family Maintenance; requiring the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Child Support Enforcement Administration to perform certain functions under the
 2 Convention; establishing that certain support proceedings are available to certain
 3 parties under the Convention; prohibiting the requirement of a security, bond, or
 4 deposit to guarantee the payment of certain costs and expenses under the
 5 Convention; establishing that a party may make certain direct requests regarding
 6 certain support orders or the parentage of a child in the State under the Convention;
 7 establishing the application of State law in certain proceedings; requiring prompt
 8 notice of certain decisions to the parties to certain actions; establishing that certain
 9 foreign parties are entitled to free legal assistance under certain circumstances;
 10 providing that certain plaintiffs are not entitled to assistance from the Child Support
 11 Enforcement Administration; requiring a party seeking recognition and enforcement
 12 of a Convention support order or foreign support agreement to register the order or
 13 agreement in this State; requiring that a party seeking recognition and enforcement
 14 of a Convention support order or foreign support agreement provide certain records,
 15 documentation, and information to a tribunal of this State; authorizing a tribunal of
 16 this State to vacate the registration of a Convention support order under certain
 17 circumstances; establishing certain procedural rules and requirements for a contest
 18 of certain orders and agreements; requiring enforcement or partial enforcement of a
 19 Convention support order or foreign support agreement except under certain
 20 circumstances; establishing the grounds on which a tribunal of this State may refuse
 21 to recognize a Convention support order or foreign support agreement; requiring
 22 suspension of a proceeding to recognize and enforce a foreign support agreement
 23 under certain circumstances; prohibiting the modification of a Convention support
 24 order when a certain party remains a resident of the foreign country that issued the
 25 order except under certain circumstances; restricting how personal information
 26 gathered or transmitted under the Act may be used; requiring that a record filed
 27 under the Act be in its original language and contain an English translation if not in
 28 English; providing for the application of certain provisions of law under certain
 29 circumstances; making certain stylistic, technical, and conforming changes; defining
 30 certain terms; altering certain definitions; and generally relating to the Maryland
 31 Uniform Interstate Family Support Act.

32 BY renumbering

33 Article – Family Law

34 Section 10–355 through 10–359, respectively

35 to be Section 10–367 through 10–371, respectively

36 Annotated Code of Maryland

37 (2012 Replacement Volume and 2014 Supplement)

38 BY repealing and reenacting, with amendments,

39 Article – Family Law

40 Section 10–301, 10–302, 10–303(a), 10–304, 10–306, 10–307, 10–308(a) and (c),

41 10–309(a), 10–310(a) through (c), 10–311, 10–312, 10–312.1, 10–312.2(b),

42 10–313(b), 10–316(b), ~~10–317(b)(1)~~ 10–317(a) and (b)(1) and (8), 10–318,

43 10–319(a) and (b)(1), 10–320(b), ~~10–322(b)(3)~~ 10–322(b)(1) and (3), 10–323(a),

44 10–325(b), 10–328(a), (b), ~~and (c) through (f)~~, (d), (e), (f), and (h), 10–329,

45 10–330, 10–331(a); 10–332(a) to be under the amended part “Part IV.

1 Establishment of Support Order or Determination of Parentage”; 10–335
2 through 10–337 to be under the amended part “Part V. Enforcement of
3 Support Order Without Registration”; 10–339(a), 10–340, 10–341(a) and (b),
4 10–342, 10–343, 10–344(a), (b)(2), (c)(1), and (d), 10–345(a) and (b),
5 10–346, 10–347; 10–348 to be under the amended subpart “Subpart C.
6 Registration and Modification of Child Support Order of Another State”;
7 10–349, 10–350(a) and (c); and 10–353.1 to be under the new subpart “Subpart
8 D. Registration and Modification of Foreign Child Support Order”
9 Annotated Code of Maryland
10 (2012 Replacement Volume and 2014 Supplement)

11 BY adding to
12 Article – Family Law
13 Section 10–303.1, 10–332.1, 10–350(f), 10–353.2, and 10–354 through 10–366 to be
14 under the amended part “Part VII. Support Proceeding Under Convention”
15 Annotated Code of Maryland
16 (2012 Replacement Volume and 2014 Supplement)

17 BY repealing
18 Article – Family Law
19 Section 10–354
20 Annotated Code of Maryland
21 (2012 Replacement Volume and 2014 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
23 That Section(s) 10–355 through 10–359, respectively, of Article – Family Law of the
24 Annotated Code of Maryland be renumbered to be Section(s) 10–367 through 10–371,
25 respectively.

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

28 **Article – Family Law**

29 10–301.

30 (a) In this subtitle the following words have the meanings indicated.

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

34 (c) “Child support order” means a support order for a child, including a child who
35 has attained the age of majority under the law of the issuing state **OR FOREIGN COUNTRY.**

1 **(D) “CONVENTION” MEANS THE CONVENTION ON THE INTERNATIONAL**
2 **RECOVERY OF CHILD SUPPORT AND OTHER FORMS OF FAMILY MAINTENANCE,**
3 **CONCLUDED AT THE HAGUE ON NOVEMBER 23, 2007.**

4 **[(d)] (E) “Duty of support” means an obligation imposed or imposable by law to**
5 **provide support for a child, spouse, or former spouse, including an unsatisfied obligation to**
6 **provide support.**

7 **(F) “FOREIGN COUNTRY” MEANS A COUNTRY, INCLUDING A POLITICAL**
8 **SUBDIVISION OF THE COUNTRY, OTHER THAN THE UNITED STATES, THAT**
9 **AUTHORIZES THE ISSUANCE OF SUPPORT ORDERS AND:**

10 **(1) WHICH HAS BEEN DECLARED UNDER THE LAW OF THE UNITED**
11 **STATES TO BE A FOREIGN RECIPROCATING COUNTRY;**

12 **(2) WHICH HAS ESTABLISHED A RECIPROCAL ARRANGEMENT FOR**
13 **CHILD SUPPORT WITH THIS STATE AS PROVIDED IN § 10-320 OF THIS SUBTITLE;**

14 **(3) WHICH HAS ENACTED A LAW OR ESTABLISHED PROCEDURES FOR**
15 **THE ISSUANCE AND ENFORCEMENT OF SUPPORT ORDERS WHICH ARE**
16 **SUBSTANTIALLY SIMILAR TO THE PROCEDURES UNDER THIS SUBTITLE; AND**

17 **(4) IN WHICH THE CONVENTION IS IN FORCE WITH RESPECT TO THE**
18 **UNITED STATES.**

19 **(G) “FOREIGN SUPPORT ORDER” MEANS A SUPPORT ORDER OF A FOREIGN**
20 **TRIBUNAL.**

21 **(H) (1) “FOREIGN TRIBUNAL” MEANS A COURT, ADMINISTRATIVE**
22 **AGENCY, OR QUASI-JUDICIAL ENTITY OF A FOREIGN COUNTRY WHICH IS**
23 **AUTHORIZED TO ESTABLISH, ENFORCE, OR MODIFY SUPPORT ORDERS OR TO**
24 **DETERMINE PARENTAGE OF A CHILD.**

25 **(2) “FOREIGN TRIBUNAL” INCLUDES A COMPETENT AUTHORITY**
26 **UNDER THE CONVENTION.**

27 **[(e)] (I) “Home state” means the state OR FOREIGN COUNTRY in which a child**
28 **lived with a parent or a person acting as parent for at least 6 consecutive months**
29 **immediately preceding the time of filing of a complaint or comparable pleading for support**
30 **and, if a child is less than 6 months old, the state OR FOREIGN COUNTRY in which the**
31 **child lived from birth with any of them. A period of temporary absence of any of them is**
32 **counted as part of the 6-month or other period.**

1 **[(f)] (J)** “Income” includes earnings or other periodic entitlements to money
2 from any source and any other property subject to withholding for support under the law
3 of this State.

4 **[(g)] (K)** “Income withholding order” means an order or other legal process
5 directed to an obligor’s employer under Subtitle 1 of this title to withhold support from the
6 income of the obligor.

7 **[(h)]** “Initiating state” means a state from which a proceeding is forwarded or in
8 which a proceeding is filed for forwarding to a responding state under this subtitle or a law
9 or procedure substantially similar to this subtitle.]

10 **[(i)] (L)** “Initiating tribunal” means the [authorized] tribunal [in an initiating
11 state] **OF A STATE OR FOREIGN COUNTRY FROM WHICH A COMPLAINT OR**
12 **COMPARABLE PLEADING IS FORWARDED OR IN WHICH A COMPLAINT OR**
13 **COMPARABLE PLEADING IS FILED FOR FORWARDING TO ANOTHER STATE OR**
14 **FOREIGN COUNTRY.**

15 **(M) “ISSUING FOREIGN COUNTRY” MEANS THE FOREIGN COUNTRY IN**
16 **WHICH A TRIBUNAL ISSUES A SUPPORT ORDER OR A JUDGMENT DETERMINING**
17 **PARENTAGE OF A CHILD.**

18 **[(j)] (N)** “Issuing state” means the state in which a tribunal issues a support
19 order or [renders] a judgment determining parentage **OF A CHILD.**

20 **[(k)] (O)** “Issuing tribunal” means the tribunal **OF A STATE OR FOREIGN**
21 **COUNTRY** that issues a support order or [renders] a judgment determining parentage **OF**
22 **A CHILD.**

23 **[(l)] (P)** “Law” includes decisional and statutory law and rules and regulations
24 having the force of law.

25 **[(m)] (Q)** “Obligee” means:

26 (1) an individual to whom a duty of support is or is alleged to be owed or in
27 whose favor a support order [has been issued] or a judgment determining parentage **OF A**
28 **CHILD** has been [rendered] **ISSUED;**

29 (2) a **FOREIGN COUNTRY**, state, or political subdivision **OF A STATE** to
30 which the rights under a duty of support or support order have been assigned or which has
31 independent claims based on financial assistance provided to an individual obligee **IN**
32 **PLACE OF CHILD SUPPORT; [or]**

33 (3) an individual seeking a judgment determining parentage of the
34 individual’s child; **OR**

1 **(4) A PERSON THAT IS A CREDITOR IN A PROCEEDING UNDER PART**
2 **VII OF THIS SUBTITLE.**

3 **[(n)] (R)** “Obligor” means an individual or the estate of a decedent **THAT:**

4 (1) **[who]** owes or is alleged to owe a duty of support;

5 (2) **[who]** is alleged but has not been adjudicated to be a parent of a child;
6 **[or]**

7 (3) **[who]** is liable under a support order; **OR**

8 **(4) IS A DEBTOR IN A PROCEEDING UNDER PART VII OF THIS**
9 **SUBTITLE.**

10 **(S) “OUTSIDE THIS STATE” MEANS A LOCATION IN ANOTHER STATE OR A**
11 **COUNTRY OTHER THAN THE UNITED STATES WHETHER OR NOT THE COUNTRY IS A**
12 **FOREIGN COUNTRY.**

13 **[(o)] (T)** “Person” means an individual, corporation, business trust, statutory
14 trust, estate, trust, partnership, limited liability company, association, joint venture,
15 **PUBLIC CORPORATION,** government[,] **OR** governmental subdivision, agency, **OR**
16 instrumentality, **[public corporation,]** or any other legal or commercial entity.

17 **[(p)] (U)** “Record” means information that is inscribed on a tangible medium or
18 that is stored in an electronic or other medium and is retrievable in perceivable form.

19 **[(q)] (V)** “Register” means to record **IN A TRIBUNAL OF THIS STATE** a support
20 order or judgment determining parentage **[in the registry of foreign support orders]** **OF A**
21 **CHILD ISSUED IN ANOTHER STATE OR A FOREIGN COUNTRY.**

22 **[(r)] (W)** “Registering tribunal” means a tribunal in which a support order **OR**
23 **JUDGMENT DETERMINING PARENTAGE OF A CHILD** is registered.

24 **[(s)] (X)** “Responding state” means a state in which a **[proceeding]** **COMPLAINT**
25 **OR COMPARABLE PLEADING FOR SUPPORT OR TO DETERMINE PARENTAGE OF A**
26 **CHILD** is filed or to which a **[proceeding]** **COMPLAINT OR COMPARABLE PLEADING** is
27 forwarded for filing from **[an initiating]** **ANOTHER** state **[under this subtitle or a law or**
28 **procedure substantially similar to this subtitle]** **OR A FOREIGN COUNTRY.**

29 **[(t)] (Y)** “Responding tribunal” means the authorized tribunal in a responding
30 state **OR FOREIGN COUNTRY.**

1 [(u)] (Z) “Spousal support order” means a support order for a spouse or former
2 spouse of the obligor.

3 [(v)] (AA) (1) “State” means a state of the United States, the District of
4 Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular
5 possession [subject to] **UNDER** the jurisdiction of the United States.

6 (2) “State” includes[:

7 (i)] an Indian **NATION OR** tribe[; and

8 (ii) a foreign country or political subdivision that has:

9 1. been declared to be a foreign reciprocating country or
10 political subdivision under federal law;

11 2. established a reciprocal arrangement for child support
12 with this State as provided in § 10–320 of this subtitle; or

13 3. enacted a law or established procedures for issuance and
14 enforcement of support orders which are substantially similar to the procedures under this
15 subtitle].

16 [(w)] (BB) “Support enforcement agency” means a public official,
17 **GOVERNMENTAL ENTITY**, or **PRIVATE** agency authorized to [seek]:

18 (1) **SEEK** enforcement of support orders or laws relating to the duty of
19 support;

20 (2) **SEEK** establishment or modification of child support;

21 (3) **REQUEST** determination of parentage **OF A CHILD**;

22 (4) [the location of] **ATTEMPT TO LOCATE** obligors or their assets; or

23 (5) **REQUEST** determination of the controlling child support order.

24 [(x)] (CC) (1) “Support order” means a judgment, decree, order, **DECISION**, or
25 directive whether temporary, final, or subject to modification, issued [by a tribunal] **IN A**
26 **STATE OR FOREIGN COUNTRY** for the benefit of a child, a spouse, or a former spouse, that
27 provides for monetary support, health care, arrearages, **RETROACTIVE SUPPORT**, or
28 reimbursement[, and may include related costs and fees, interest, income withholding,
29 attorney’s fees, and other relief] **FOR FINANCIAL ASSISTANCE PROVIDED TO AN**
30 **INDIVIDUAL OBLIGEE IN PLACE OF CHILD SUPPORT.**

1 **(2) “SUPPORT ORDER” MAY INCLUDE RELATED COSTS AND FEES,**
2 **INTEREST, INCOME WITHHOLDING, AUTOMATIC ADJUSTMENT, REASONABLE**
3 **ATTORNEY’S FEES, AND OTHER RELIEF.**

4 [(y) “Tribe” means a tribe, band, or village of Native Americans that is recognized
5 by federal law or formally acknowledged by a state.]

6 [(z)] **(DD) “Tribunal” means a court, administrative agency, or quasi-judicial**
7 **entity authorized to establish, enforce, or modify support orders or to determine parentage**
8 **OF A CHILD.**

9 10–302.

10 **(A)** The circuit courts, and the Administration, in the context of an affidavit of
11 support, are the tribunals of this State.

12 **(B) THE CHILD SUPPORT ENFORCEMENT ADMINISTRATION IS THE**
13 **SUPPORT ENFORCEMENT AGENCY OF THIS STATE.**

14 10–303.

15 (a) Remedies provided by this subtitle are cumulative and do not affect the
16 availability of remedies under other law[, including] **OR** the recognition of a **FOREIGN**
17 support order [of a foreign country or political subdivision] on the basis of comity.

18 **10–303.1.**

19 **(A) A TRIBUNAL OF THIS STATE SHALL APPLY PARTS I THROUGH VI OF**
20 **THIS SUBTITLE AND, AS APPLICABLE, PART VII, TO A SUPPORT PROCEEDING**
21 **INVOLVING:**

22 **(1) A FOREIGN SUPPORT ORDER;**

23 **(2) A FOREIGN TRIBUNAL; OR**

24 **(3) AN OBLIGEE, OBLIGOR, OR CHILD RESIDING IN A FOREIGN**
25 **COUNTRY.**

26 **(B) A TRIBUNAL OF THIS STATE THAT IS REQUESTED TO RECOGNIZE AND**
27 **ENFORCE A SUPPORT ORDER ON THE BASIS OF COMITY MAY APPLY THE**
28 **PROCEDURAL AND SUBSTANTIVE PROVISIONS OF PARTS I THROUGH VI OF THIS**
29 **SUBTITLE.**

1 **(C) PART VII OF THIS SUBTITLE APPLIES ONLY TO A SUPPORT PROCEEDING**
2 **UNDER THE CONVENTION. IN SUCH A PROCEEDING, IF A PROVISION OF PART VII IS**
3 **INCONSISTENT WITH PARTS I THROUGH VI, PART VII CONTROLS.**

4 10–304.

5 (a) In a proceeding to establish or enforce a support order or to determine
6 parentage **OF A CHILD**, a tribunal of this State may exercise personal jurisdiction over a
7 nonresident individual **OR THE INDIVIDUAL’S GUARDIAN OR CONSERVATOR** if:

8 (1) the individual is personally served within this State;

9 (2) the individual submits to the jurisdiction of this State by consent in a
10 record, by entering a general appearance, or by filing a responsive document having the
11 effect of waiving any contest to personal jurisdiction;

12 (3) the individual resided with the child in this State;

13 (4) the individual resided in this State and provided prenatal expenses or
14 support for the child;

15 (5) the child resides in this State as a result of the acts or directives of the
16 individual;

17 (6) the individual engaged in sexual intercourse in this State and the child
18 may have been conceived by that act of intercourse; or

19 (7) there is any other basis consistent with the constitutions of this State
20 and the United States for the exercise of personal jurisdiction.

21 (b) The bases of personal jurisdiction set forth in subsection (a) of this section or
22 in any other law of this State may not be used to acquire personal jurisdiction for a tribunal
23 of [the] **THIS** State to modify a child support order of another state unless the requirements
24 of [§§ 10–350 and 10–353.1] **§ 10–350** of this subtitle are met, **OR, IN THE CASE OF A**
25 **FOREIGN SUPPORT ORDER, UNLESS THE REQUIREMENTS OF § 10–353.1 OF THIS**
26 **SUBTITLE ARE MET.**

27 10–306.

28 Under this subtitle, a tribunal of this State may serve as an initiating tribunal to
29 forward proceedings to **A TRIBUNAL OF** another state, and as a responding tribunal for
30 proceedings initiated in another state **OR FOREIGN COUNTRY.**

31 10–307.

1 (a) A tribunal of this State may exercise jurisdiction to establish a support order
2 if the complaint or comparable pleading is filed after a [complaint or comparable] pleading
3 is filed in another state **OR FOREIGN COUNTRY** only if:

4 (1) the complaint or comparable pleading in this State is filed before the
5 expiration of the time allowed in the other state **OR FOREIGN COUNTRY** for filing a
6 responsive pleading challenging the exercise of jurisdiction by the other state **OR FOREIGN**
7 **COUNTRY**;

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

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

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

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

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

19 (3) if relevant, the other state **OR FOREIGN COUNTRY** is the home state of
20 the child.

21 10–308.

22 (a) A tribunal of this State that has issued a **CHILD** support order consistent with
23 the law of this State has and shall exercise continuing, exclusive jurisdiction to modify its
24 child support order if the order is the controlling order and:

25 (1) at the time of filing of a request for modification this State is the
26 residence of the obligor, the individual obligee, or the child for whose benefit the support
27 order is issued; or

28 (2) even if this State is not the residence of the obligor, the individual
29 obligee, or the child for whose benefit the support order is issued, the parties consent in a
30 record or in open court that the tribunal of this State may continue to exercise jurisdiction
31 to modify its order.

32 (c) If a tribunal of another state has issued a child support order pursuant to [this
33 subtitle] **THE UNIFORM INTERSTATE FAMILY SUPPORT ACT** or a law substantially
34 similar to [this subtitle] **THAT ACT** that modifies a child support order of a tribunal of this

1 State, tribunals of this State shall recognize the continuing, exclusive jurisdiction of the
2 tribunal of the other state.

3 10-309.

4 (a) A tribunal of this State that has issued a child support order consistent with
5 the law of this State may serve as an initiating tribunal to request a tribunal of another
6 state to enforce:

7 (1) the order if the order is the controlling order and has not been modified
8 by a tribunal of another state that assumed jurisdiction pursuant to [this subtitle] **THE**
9 **UNIFORM INTERSTATE FAMILY SUPPORT ACT**; or

10 (2) a money judgment for arrears of support and interest on the order
11 accrued before a determination that an order of **A TRIBUNAL OF** another state is the
12 controlling order.

13 10-310.

14 (a) If a proceeding is brought under this subtitle and only one tribunal has issued
15 a child support order, the order of that tribunal controls and must be [so] recognized.

16 (b) If a proceeding is brought under this subtitle, and two or more child support
17 orders have been issued by tribunals of this State [or], another state, **OR A FOREIGN**
18 **COUNTRY** with regard to the same obligor and same child, a tribunal of this State having
19 personal jurisdiction over both the obligor and individual obligee shall apply the following
20 rules and by order shall determine which order controls **AND MUST BE RECOGNIZED**:

21 (1) if only one of the tribunals would have continuing, exclusive jurisdiction
22 under this subtitle, the order of that tribunal controls [and must be so recognized];

23 (2) if more than one of the tribunals would have continuing, exclusive
24 jurisdiction under this subtitle[,];

25 (I) an order issued by a tribunal in the current home state of the
26 child controls[, but]; **OR**

27 (II) if an order has not been issued in the current home state of the
28 child, the order most recently issued controls; or

29 (3) if none of the tribunals would have continuing, exclusive jurisdiction
30 under this subtitle, the tribunal of this State shall issue a child support order, which
31 controls.

32 (c) If two or more child support orders have been issued for the same obligor and
33 same child, on request of a party who is an individual or **THAT IS A** support enforcement

1 agency, a tribunal of this State having personal jurisdiction over both the obligor and the
2 obligee who is an individual shall determine which order controls under subsection (b) of
3 this section. The request may be filed with a registration for enforcement or registration
4 for modification pursuant to Part VI of this subtitle, or may be filed as a separate
5 proceeding.

6 10-311.

7 In responding to registrations or requests for enforcement of two or more child
8 support orders in effect at the same time with regard to the same obligor and different
9 individual obligees, at least one of which was issued by a tribunal of another state **OR A**
10 **FOREIGN COUNTRY**, a tribunal of this State shall enforce those orders in the same manner
11 as if the orders had been issued by a tribunal of this State.

12 10-312.

13 A tribunal of this State shall credit amounts collected for a particular period
14 pursuant to any child support order against the amounts owed for the same period under
15 any other child support order for support of the same child issued by a tribunal of this State,
16 **[or] another state, OR A FOREIGN COUNTRY.**

17 10-312.1.

18 A tribunal of this State exercising personal jurisdiction over a nonresident in a
19 proceeding under this subtitle, under other law of this State relating to a support order, or
20 recognizing a **FOREIGN** support order **[of a foreign country or political subdivision on the**
21 **basis of comity]** may receive evidence from **[another state] OUTSIDE THIS STATE** pursuant
22 to § 10-328 of this subtitle, communicate with a tribunal **[of another state] OUTSIDE THIS**
23 **STATE** pursuant to § 10-329 of this subtitle, and obtain discovery through a tribunal **[of**
24 **another state] OUTSIDE THIS STATE** pursuant to § 10-330 of this subtitle. In all other
25 respects, the provisions of Parts III through **[VII] VI** of this subtitle do not apply, and the
26 tribunal shall apply the procedural and substantive law of this State.

27 10-312.2.

28 (b) A tribunal of this State may not modify a spousal support order issued by a
29 tribunal of another state **OR FOREIGN COUNTRY** if the state **OR FOREIGN COUNTRY** has
30 continuing, exclusive jurisdiction over the spousal support order under the law of that state
31 **OR FOREIGN COUNTRY.**

32 10-313.

33 (b) An individual or a support enforcement agency may initiate a proceeding
34 authorized under this subtitle by filing a complaint in an initiating tribunal for forwarding
35 to a responding tribunal or by filing a complaint or a comparable pleading directly in a

1 tribunal of another state **OR FOREIGN COUNTRY** which has or can obtain personal
2 jurisdiction over the defendant.

3 10-316.

4 (b) If requested by the responding tribunal, a tribunal of this State shall issue a
5 certificate or other document and make findings required by the law of the responding
6 state. If the responding [state] **TRIBUNAL** is **IN** a foreign country [or political subdivision],
7 on request, the tribunal **OF THIS STATE** shall specify the amount of support sought,
8 convert that amount into the equivalent amount in the foreign currency under applicable
9 official or market exchange rate as publicly reported, and provide any other documents
10 necessary to satisfy the requirements of the responding [state] **FOREIGN TRIBUNAL**.

11 10-317.

12 (a) When a responding tribunal of this State receives a complaint or comparable
13 pleading from an initiating tribunal or directly pursuant to [§ 10-313] § 10-313(B) of this
14 subtitle, it shall cause the complaint or pleading to be filed and notify the plaintiff where
15 and when it was filed.

16 (b) A responding tribunal of this State, to the extent not prohibited by other law,
17 may do one or more of the following:

18 (1) [issue] **ESTABLISH** or enforce a support order, modify a child support
19 order, determine the controlling child support order, or determine parentage **OF A CHILD**;

20 (8) order an obligor to keep the tribunal informed of the obligor's current
21 residential address, **ELECTRONIC MAIL ADDRESS**, telephone number, employer, address
22 of employment, and telephone number at the place of employment;

23 10-318.

24 If a complaint or comparable pleading is received by an inappropriate tribunal of this
25 State, the tribunal shall forward the pleading and accompanying documents to an
26 appropriate tribunal [in] **OF** this State or another state and notify the plaintiff where and
27 when the pleading was sent.

28 10-319.

29 (a) [A support enforcement agency of this State, upon request, shall provide
30 services to a plaintiff in a proceeding under this subtitle.] **IN A PROCEEDING UNDER THIS**
31 **SUBTITLE, A SUPPORT ENFORCEMENT AGENCY OF THIS STATE, ON REQUEST:**

32 (1) **SHALL PROVIDE SERVICES TO A PLAINTIFF RESIDING IN A STATE;**

1 **(2) SHALL PROVIDE SERVICES TO A PLAINTIFF REQUESTING**
2 **SERVICES THROUGH A CENTRAL AUTHORITY OF A FOREIGN COUNTRY AS DESCRIBED**
3 **IN § 10-301(F)(1) OR (4); AND**

4 **(3) MAY PROVIDE SERVICES TO A PLAINTIFF WHO IS AN INDIVIDUAL**
5 **NOT RESIDING IN A STATE.**

6 (b) A support enforcement agency of this State that is providing services to the
7 plaintiff shall:

8 (1) take all steps necessary to enable an appropriate tribunal [in this State
9 or another state] **OF THIS STATE, ANOTHER STATE, OR A FOREIGN COUNTRY** to obtain
10 jurisdiction over the defendant;

11 10-320.

12 (b) The Attorney General may determine that a foreign country [or political
13 subdivision] has established a reciprocal arrangement for child support with this State and
14 take appropriate action for notification of the determination.

15 10-322.

16 (b) The State information agency shall:

17 (1) compile and maintain a current list, including addresses, [other] OF
18 THE tribunals in this State which have jurisdiction under this subtitle, and any support
19 enforcement agencies in this State and transmit a copy to the state information agency of
20 every other state;

21 (3) forward to the appropriate tribunal in the county in this State in which
22 the obligee who is an individual or the obligor resides, or in which the obligor's property is
23 believed to be located, all documents concerning a proceeding under this subtitle received
24 from [an initiating tribunal or the state information agency of the initiating state]
25 **ANOTHER STATE OR FOREIGN COUNTRY;** and

26 10-323.

27 (a) In a proceeding under this subtitle, a plaintiff seeking to establish a support
28 order, to determine parentage **OF A CHILD**, or to register and modify a support order of **A**
29 **TRIBUNAL OF** another state **OR A FOREIGN COUNTRY** must file a complaint. Unless
30 otherwise ordered under § 10-324 of this subtitle, the complaint or accompanying
31 documents must provide, so far as known, the name, residential address, and Social
32 Security numbers of the obligor and the obligee or the parent and alleged parent, and the
33 name, sex, residential address, Social Security number, and date of birth of each child for
34 whose benefit support is sought or whose parentage is to be determined. Unless filed at the
35 time of registration, the complaint must be accompanied by a copy of any support order

1 known to have been issued by another tribunal. The complaint may include any other
2 information that may assist in locating or identifying the defendant.

3 10-325.

4 (b) If an obligee prevails, a responding tribunal **OF THIS STATE** may assess
5 against an obligor filing fees, reasonable attorney's fees, other costs, and necessary travel
6 and other reasonable expenses incurred by the obligee and the obligee's witnesses. The
7 tribunal may not assess fees, costs, or expenses against the obligee or the support
8 enforcement agency of either the initiating or the responding state **OR FOREIGN**
9 **COUNTRY**, except as provided by other law. Attorney's fees may be taxed as costs, and may
10 be ordered paid directly to the attorney, who may enforce the order in the attorney's own
11 name. Payment of support owed to the obligee has priority over fees, costs, and expenses.

12 10-328.

13 (a) The physical presence of a nonresident party who is an individual in a tribunal
14 of this State is not required for the establishment, enforcement, or modification of a support
15 order or the rendition of a judgment determining parentage **OF A CHILD**.

16 (b) An affidavit, a document substantially complying with federally mandated
17 forms, or a document incorporated by reference in any of them, which would not be excluded
18 under the hearsay rule if given in person, is admissible in evidence if given under penalty
19 of perjury by a party or witness residing [in another state] **OUTSIDE THIS STATE**.

20 (d) Copies of bills for testing for parentage **OF A CHILD**, and for prenatal and
21 postnatal health care of the mother and child, furnished to the adverse party at least 10
22 days before trial, are admissible in evidence to prove the amount of the charges billed and
23 that the charges were reasonable, necessary, and customary.

24 (e) Documentary evidence transmitted from [another state] **OUTSIDE THIS**
25 **STATE** to a tribunal of this State by telephone, telecopier, or other **ELECTRONIC** means
26 that do not provide an original record may not be excluded from evidence on an objection
27 based on the means of transmission.

28 (f) In a proceeding under this subtitle, a tribunal of this State shall permit a party
29 or witness residing [in another state] **OUTSIDE THIS STATE** to be deposed or to testify
30 **UNDER PENALTY OF PERJURY** by telephone, audiovisual means, or other electronic
31 means at a designated tribunal or other location [in that state]. A tribunal of this State
32 shall cooperate with **OTHER** tribunals [of other states] in designating an appropriate
33 location for the deposition or testimony.

34 (h) Laws attaching a privilege against the disclosure of communications between
35 [husband and wife] SPOUSES do not apply to proceedings under this subtitle.

36 10-329.

1 A tribunal of this State may communicate with a tribunal [of another state or foreign
2 country or political subdivision] **OUTSIDE THIS STATE** in a record, or by telephone,
3 **ELECTRONIC MAIL**, or other means, to obtain information concerning the laws, the legal
4 effect of a judgment, decree, or order of that tribunal, and the status of a proceeding [in the
5 other state or foreign country or political subdivision]. A tribunal of this State may furnish
6 similar information by similar means to a tribunal [of another state or foreign country or
7 political subdivision] **OUTSIDE THIS STATE**.

8 10-330.

9 A tribunal of this State may:

10 (1) request a tribunal [of another state] **OUTSIDE THIS STATE** to assist in
11 obtaining discovery; and

12 (2) upon request, compel a person over [whom] **WHICH** it has jurisdiction
13 to respond to a discovery order issued by a tribunal [of another state] **OUTSIDE THIS**
14 **STATE**.

15 10-331.

16 (a) A support enforcement agency or tribunal of this State shall disburse promptly
17 any amounts received pursuant to a support order, as directed by the order. The agency or
18 tribunal shall furnish to a requesting party or tribunal of another state **OR A FOREIGN**
19 **COUNTRY** a certified statement by the custodian of the record of the amounts and dates of
20 all payments received.

21 Part IV. Establishment of Support Order **OR DETERMINATION OF PARENTAGE**.

22 10-332.

23 (a) If a support order entitled to recognition under this subtitle has not been
24 issued, a responding tribunal of this State **WITH PERSONAL JURISDICTION OVER THE**
25 **PARTIES** may issue a support order if:

26 (1) the individual seeking the order resides [in another state] **OUTSIDE**
27 **THIS STATE**; or

28 (2) the support enforcement agency seeking the order is located [in another
29 state] **OUTSIDE THIS STATE**.

30 **10-332.1.**

1 **A TRIBUNAL OF THIS STATE AUTHORIZED TO DETERMINE PARENTAGE OF A**
2 **CHILD MAY SERVE AS A RESPONDING TRIBUNAL IN A PROCEEDING TO DETERMINE**
3 **PARENTAGE OF A CHILD BROUGHT UNDER THIS SUBTITLE OR A LAW OR PROCEDURE**
4 **SUBSTANTIALLY SIMILAR TO THIS SUBTITLE.**

5 Part V. Enforcement of **SUPPORT** Order [of Another State] Without Registration.

6 10-335.

7 If [the] **AN** obligor's employer receives two or more [orders to withhold support from]
8 **INCOME WITHHOLDING ORDERS WITH RESPECT TO** the earnings of the same obligor,
9 the employer [shall be deemed to have satisfied] **SATISFIES** the terms of the orders if the
10 [law of the state of the obligor's principal place of employment to establish the priorities for
11 withholding and allocating income withheld for two or more child support obligees is
12 complied with] **EMPLOYER COMPLIES WITH THE LAW OF THE STATE OF THE**
13 **OBLIGOR'S PRINCIPAL PLACE OF EMPLOYMENT TO ESTABLISH THE PRIORITIES FOR**
14 **WITHHOLDING AND ALLOCATING INCOME WITHHELD FOR TWO OR MORE CHILD**
15 **SUPPORT OBLIGEES.**

16 10-336.

17 An employer [who] **THAT** complies with an income withholding order issued in
18 another state in accordance with this subtitle is not subject to civil liability to [any] **AN**
19 individual or agency with regard to the employer's withholding **OF** child support from the
20 obligor's income.

21 10-337.

22 An employer [who] **THAT** willfully fails to comply with an income withholding order
23 issued [by] **IN** another state and received for enforcement is subject to the same penalties
24 that may be imposed for noncompliance with an order issued by a tribunal of this State.

25 10-339.

26 (a) A party or support enforcement agency seeking to enforce a support order or
27 an income withholding order, or both, issued [by a tribunal of] **IN** another state **OR A**
28 **FOREIGN SUPPORT ORDER** may send the documents required for registering the order to
29 a support enforcement agency of this State.

30 10-340.

31 A support order or income withholding order issued [by a tribunal of] **IN** another
32 state **OR A FOREIGN SUPPORT ORDER** may be registered in this State for enforcement.

33 10-341.

1 (a) **[A] EXCEPT AS OTHERWISE PROVIDED IN § 10–359 OF THIS SUBTITLE, A**
2 support order or income withholding order of another state **OR A FOREIGN SUPPORT**
3 **ORDER** may be registered in this State by sending the following records [and information]
4 to the appropriate tribunal in this State:

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

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

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

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

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

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

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

17 (5) except as provided in § 10–324 of this subtitle, the name and address of
18 the obligee and, if applicable, the person to whom support payments are to be remitted.

19 (b) On receipt of a request for registration, the registering tribunal shall cause
20 the order to be filed as [a foreign judgment] **AN ORDER OF A TRIBUNAL OF ANOTHER**
21 **STATE OR A FOREIGN SUPPORT ORDER**, together with one copy of the documents and
22 information, regardless of their form.

23 10–342.

24 (a) A support order or income withholding order issued in another state **OR A**
25 **FOREIGN SUPPORT ORDER** is registered when the order is filed in the registering tribunal
26 of this State.

27 (b) A registered **SUPPORT** order issued in another state **OR A FOREIGN**
28 **COUNTRY** is enforceable in the same manner and is subject to the same procedures as an
29 order issued by a tribunal of this State.

30 (c) Except as otherwise provided in this [article] **SUBTITLE**, a tribunal of this
31 State shall recognize and enforce, but may not modify, a registered **SUPPORT** order if the
32 issuing tribunal had jurisdiction.

1 10-343.

2 (a) Except as otherwise provided in subsection (d) of this section, the law of the
3 issuing state **OR FOREIGN COUNTRY** governs:

4 (1) the nature, extent, amount, and duration of current payments under a
5 registered support order;

6 (2) the computation and payment of arrearages and accrual of interest on
7 the arrearages under the support order; and

8 (3) the existence and satisfaction of other obligations under the support
9 order.

10 (b) In a proceeding for arrears under a registered support order, the statute of
11 limitation of this State or of the issuing state **OR FOREIGN COUNTRY**, whichever is longer,
12 applies.

13 (c) A responding tribunal of this State shall apply the procedures and remedies
14 of this State to enforce current support and collect arrears and interest due on a support
15 order of another state **OR A FOREIGN COUNTRY** registered in this State.

16 (d) After a tribunal of this **STATE** or another state determines which is the
17 controlling order and issues an order consolidating arrears, if any, a tribunal of this State
18 shall prospectively apply the law of the state **OR FOREIGN COUNTRY** issuing the
19 controlling order, including its law on interest on arrears, on current and future support,
20 and on consolidated arrears.

21 10-344.

22 (a) When a support order or income withholding order issued in another state **OR**
23 **A FOREIGN SUPPORT ORDER** is registered, the registering tribunal **OF THIS STATE** shall
24 notify the nonregistering party. Notice must be given by first-class, certified, or registered
25 mail or by any means of personal service authorized by the law of this State. The notice
26 must be accompanied by a copy of the registered order and the documents and relevant
27 information accompanying the order.

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

29 (2) that a hearing to contest the validity or enforcement of the registered
30 order must be requested within 20 days after the date of mailing or personal service of the
31 notice **UNLESS THE REGISTERED ORDER IS UNDER § 10-360 OF THIS SUBTITLE;**

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

1 (1) identify the two or more orders and the order alleged by the registering
2 [person] **PARTY** to be the controlling order and the consolidated arrears, if any;

3 (d) Upon registration of an income withholding order for enforcement, **THE**
4 **SUPPORT ENFORCEMENT AGENCY OR** the registering tribunal shall notify the obligor's
5 employer pursuant to Subtitle 1 of this title.

6 10-345.

7 (a) A nonregistering party seeking to contest the validity or enforcement of a
8 registered order in this State shall request a hearing within [20 days after the date of
9 mailing or personal service of notice of the registration] **THE TIME REQUIRED BY §**
10 **10-344 OF THIS SUBTITLE**. The nonregistering party may seek to vacate the registration,
11 to assert any defense to an allegation of noncompliance with the registered order, or to
12 contest the remedies being sought or the amount of any alleged arrearages pursuant to §
13 10-346 of this subtitle.

14 (b) If the nonregistering party fails to contest the validity or enforcement of the
15 registered **SUPPORT** order in a timely manner, the order is confirmed by operation of law.

16 10-346.

17 (a) A party contesting the validity or enforcement of a registered **SUPPORT** order
18 or seeking to vacate the registration has the burden of proving one or more of the following
19 defenses:

20 (1) the issuing tribunal lacked personal jurisdiction over the contesting
21 party;

22 (2) the order was obtained by fraud;

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

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

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

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

27 (7) the statute of limitation under § 10-343 of this subtitle precludes
28 enforcement of some or all of the alleged arrearages; or

29 (8) the alleged controlling order is not the controlling order.

1 (b) If a party presents evidence establishing a full or partial defense under
2 subsection (a) of this section, a tribunal may stay enforcement of [the] A registered
3 **SUPPORT** order, continue the proceeding to permit production of additional relevant
4 evidence, and issue other appropriate orders. An uncontested portion of the registered
5 **SUPPORT** order may be enforced by all remedies available under the law of this State.

6 (c) If the contesting party does not establish a defense under subsection (a) of this
7 section to the validity or enforcement of [the] A **REGISTERED SUPPORT** order, the
8 registering tribunal shall issue an order confirming the order.

9 10-347.

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

13 Subpart C. Registration and Modification of Child Support Order **OF ANOTHER STATE**.

14 10-348.

15 A party or support enforcement agency seeking to modify, or to modify and enforce,
16 a child support order issued in another state shall register that order in this State in the
17 same manner provided in [Subpart A] §§ **10-340 THROUGH 10-347** of this [part]
18 **SUBTITLE** if the order has not been registered. A complaint for modification may be filed
19 at the same time as a request for registration, or later. The pleading must specify the
20 grounds for modification.

21 10-349.

22 A tribunal of this State may enforce a child support order of another state registered
23 for purposes of modification, in the same manner as if the order had been issued by a
24 tribunal of this State, but the registered **SUPPORT** order may be modified only if the
25 requirements of § 10-350, **OR** § 10-352, ~~or § 10-353.1~~ of this subtitle have been met.

26 10-350.

27 (a) If § 10-352 of this subtitle does not apply, [except as otherwise provided in §
28 10-353.1 of this subtitle,] on the filing of a complaint, a tribunal of this State may modify
29 a child support order issued in another state that is registered in this State if, after notice
30 and hearing, the tribunal finds that:

31 (1) the following requirements are met:

32 (i) neither the child, nor the obligee who is an individual, nor the
33 obligor resides in the issuing state;

1 (ii) a plaintiff who is a nonresident of this State seeks modification;
2 and

3 (iii) the defendant is subject to the personal jurisdiction of the
4 tribunal of this State; or

5 (2) this State is the state of residence of the child or a party who is an
6 individual is subject to the personal jurisdiction of the tribunal of this State and all of the
7 parties who are individuals have filed consents in a record in the issuing tribunal for a
8 tribunal of this State to modify the support order and assume continuing, exclusive
9 jurisdiction.

10 (c) [Except as otherwise provided in § 10–353.1 of this subtitle, a] A tribunal of
11 this State may not modify any provision of a child support order that may not be modified
12 under the law of the issuing state, including the duration of the obligation of support. If
13 two or more tribunals have issued child support orders for the same obligor and same child,
14 the order that controls and must be so recognized under the provisions of § 10–310 of this
15 subtitle establishes the provisions of the support order which are nonmodifiable.

16 **(F) NOTWITHSTANDING SUBSECTION (A) THROUGH (E) OF THIS SECTION**
17 **AND § 10–304(B) OF THIS SUBTITLE, A TRIBUNAL OF THIS STATE RETAINS**
18 **JURISDICTION TO MODIFY AN ORDER ISSUED BY A TRIBUNAL OF THIS STATE IF:**

19 **(1) ONE PARTY RESIDES IN ANOTHER STATE; AND**

20 **(2) THE OTHER PARTY RESIDES OUTSIDE THE UNITED STATES.**

21 **SUBPART D. REGISTRATION AND MODIFICATION OF FOREIGN CHILD SUPPORT**
22 **ORDER.**

23 10–353.1.

24 (a) [If] **EXCEPT AS PROVIDED IN § 10–364 OF THIS SUBTITLE, IF** a foreign
25 country [or political subdivision that is a state does not or may not modify its order] **LACKS**
26 **OR REFUSES TO EXERCISE JURISDICTION TO MODIFY ITS CHILD SUPPORT ORDER**
27 pursuant to its laws, a tribunal of this State may assume jurisdiction to modify the child
28 support order and bind all individuals subject to the personal jurisdiction of the tribunal
29 whether [or not] the consent to modification of a child support order otherwise required of
30 the individual in accordance with § 10–350 of this subtitle has been given or whether the
31 individual seeking modification is a resident of this State or of the foreign country [or
32 political subdivision].

33 (b) An order issued **BY A TRIBUNAL OF THIS STATE MODIFYING A FOREIGN**
34 **CHILD SUPPORT ORDER** pursuant to this section is the controlling order.

35 **10–353.2.**

1 (A) A PARTY OR SUPPORT ENFORCEMENT AGENCY SEEKING TO MODIFY, OR
2 TO MODIFY AND ENFORCE, A FOREIGN CHILD SUPPORT ORDER NOT UNDER THE
3 CONVENTION MAY REGISTER THAT ORDER IN THIS STATE UNDER §§ 10-340
4 THROUGH 10-347 OF THIS SUBTITLE IF THE ORDER HAS NOT BEEN REGISTERED. A
5 COMPLAINT FOR MODIFICATION MAY BE FILED AT THE SAME TIME AS A REQUEST
6 FOR REGISTRATION, OR AT ANOTHER TIME.

7 (B) THE COMPLAINT SHALL SPECIFY THE GROUNDS FOR MODIFICATION.

8 Part VII. [Determination of Parentage.] SUPPORT PROCEEDING UNDER
9 CONVENTION.

10 [10-354.

11 A court of this State authorized to determine parentage of a child may serve as a
12 responding tribunal in a proceeding to determine parentage brought under this subtitle or
13 a law or procedure substantially similar to this subtitle.]

14 **10-354.**

15 (A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS
16 INDICATED.

17 (B) "APPLICATION" MEANS A REQUEST UNDER THE CONVENTION BY AN
18 OBLIGEE OR OBLIGOR, OR ON BEHALF OF A CHILD, MADE THROUGH A CENTRAL
19 AUTHORITY FOR ASSISTANCE FROM ANOTHER CENTRAL AUTHORITY.

20 (C) "CENTRAL AUTHORITY" MEANS THE ENTITY DESIGNATED BY THE
21 UNITED STATES OR A FOREIGN COUNTRY DESCRIBED IN § 10-301(F)(4) OF THIS
22 SUBTITLE TO PERFORM THE FUNCTIONS SPECIFIED IN THE CONVENTION.

23 (D) "CONVENTION SUPPORT ORDER" MEANS A SUPPORT ORDER OF A
24 TRIBUNAL OF A FOREIGN COUNTRY DESCRIBED IN § 10-301(F)(4) OF THIS
25 SUBTITLE.

26 (E) "DIRECT REQUEST" MEANS A COMPLAINT FILED BY AN INDIVIDUAL IN A
27 TRIBUNAL OF THIS STATE IN A PROCEEDING INVOLVING AN OBLIGEE, OBLIGOR, OR
28 CHILD RESIDING OUTSIDE THE UNITED STATES.

29 (F) "FOREIGN CENTRAL AUTHORITY" MEANS THE ENTITY DESIGNATED BY
30 A FOREIGN COUNTRY DESCRIBED IN § 10-301(F)(4) OF THIS SUBTITLE TO PERFORM
31 THE FUNCTIONS SPECIFIED IN THE CONVENTION.

1 **(G) “FOREIGN SUPPORT AGREEMENT”:**

2 **(1) MEANS AN AGREEMENT FOR SUPPORT IN A RECORD THAT:**

3 **(I) IS ENFORCEABLE AS A SUPPORT ORDER IN THE COUNTRY OF**
4 **ORIGIN;**

5 **(II) HAS BEEN:**

6 **1. FORMALLY DRAWN UP OR REGISTERED AS AN**
7 **AUTHENTIC INSTRUMENT BY A FOREIGN TRIBUNAL; OR**

8 **2. AUTHENTICATED BY, OR CONCLUDED, REGISTERED,**
9 **OR FILED WITH A FOREIGN TRIBUNAL; AND**

10 **(III) MAY BE REVIEWED AND MODIFIED BY A FOREIGN TRIBUNAL;**
11 **AND**

12 **(2) INCLUDES A MAINTENANCE ARRANGEMENT OR AUTHENTIC**
13 **INSTRUMENT UNDER THE CONVENTION.**

14 **(H) “UNITED STATES CENTRAL AUTHORITY” MEANS THE SECRETARY OF**
15 **THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES.**

16 **10-355.**

17 **(A) THIS PART APPLIES ONLY TO A SUPPORT PROCEEDING UNDER THE**
18 **CONVENTION.**

19 **(B) IN A SUPPORT PROCEEDING UNDER THE CONVENTION, IF A PROVISION**
20 **OF THIS PART IS INCONSISTENT WITH PARTS I THROUGH VI OF THIS SUBTITLE, THIS**
21 **PART CONTROLS.**

22 **10-356.**

23 **THE CHILD SUPPORT ENFORCEMENT ADMINISTRATION OF THIS STATE IS**
24 **RECOGNIZED AS THE AGENCY DESIGNATED BY THE UNITED STATES CENTRAL**
25 **AUTHORITY TO PERFORM SPECIFIC FUNCTIONS UNDER THE CONVENTION.**

26 **10-357.**

27 **(A) IN A SUPPORT PROCEEDING UNDER THIS PART, THE CHILD SUPPORT**
28 **ENFORCEMENT ADMINISTRATION OF THIS STATE SHALL:**

29 **(1) TRANSMIT AND RECEIVE APPLICATIONS; AND**

1 **(2) INITIATE OR FACILITATE THE INSTITUTION OF A PROCEEDING**
2 **REGARDING AN APPLICATION IN A TRIBUNAL OF THIS STATE.**

3 **(B) THE FOLLOWING SUPPORT PROCEEDINGS ARE AVAILABLE TO AN**
4 **OBLIGEE UNDER THE CONVENTION:**

5 **(1) RECOGNITION OR RECOGNITION AND ENFORCEMENT OF A**
6 **FOREIGN SUPPORT ORDER;**

7 **(2) ENFORCEMENT OF A SUPPORT ORDER ISSUED OR RECOGNIZED IN**
8 **THIS STATE;**

9 **(3) ESTABLISHMENT OF A SUPPORT ORDER IF THERE IS NO EXISTING**
10 **ORDER, INCLUDING, IF NECESSARY, DETERMINATION OF PARENTAGE OF A CHILD;**

11 **(4) ESTABLISHMENT OF A SUPPORT ORDER IF RECOGNITION OF A**
12 **FOREIGN SUPPORT ORDER IS REFUSED UNDER § 10-361(B)(2), (4), OR (9) OF THIS**
13 **SUBTITLE;**

14 **(5) MODIFICATION OF A SUPPORT ORDER OF A TRIBUNAL OF THIS**
15 **STATE; AND**

16 **(6) MODIFICATION OF A SUPPORT ORDER OF A TRIBUNAL OF**
17 **ANOTHER STATE OR A FOREIGN COUNTRY.**

18 **(C) THE FOLLOWING SUPPORT PROCEEDINGS ARE AVAILABLE UNDER THE**
19 **CONVENTION TO AN OBLIGOR AGAINST WHICH THERE IS AN EXISTING SUPPORT**
20 **ORDER:**

21 **(1) RECOGNITION OF AN ORDER SUSPENDING OR LIMITING**
22 **ENFORCEMENT OF AN EXISTING SUPPORT ORDER OF A TRIBUNAL OF THIS STATE;**

23 **(2) MODIFICATION OF A SUPPORT ORDER OF A TRIBUNAL OF THIS**
24 **STATE; AND**

25 **(3) MODIFICATION OF A SUPPORT ORDER OF A TRIBUNAL OF**
26 **ANOTHER STATE OR A FOREIGN COUNTRY.**

27 **(D) A TRIBUNAL OF THIS STATE MAY NOT REQUIRE SECURITY, BOND, OR**
28 **DEPOSIT, HOWEVER DESCRIBED, TO GUARANTEE THE PAYMENT OF COSTS AND**
29 **EXPENSES IN PROCEEDINGS UNDER THE CONVENTION.**

30 **10-358.**

1 (A) A PLAINTIFF MAY FILE A DIRECT REQUEST SEEKING ESTABLISHMENT
2 OR MODIFICATION OF A SUPPORT ORDER OR DETERMINATION OF PARENTAGE OF A
3 CHILD. IN THE PROCEEDING, THE LAW OF THIS STATE APPLIES.

4 (B) A PLAINTIFF MAY FILE A DIRECT REQUEST SEEKING RECOGNITION AND
5 ENFORCEMENT OF A SUPPORT ORDER OR SUPPORT AGREEMENT. IN THE
6 PROCEEDING, §§ 10-359 THROUGH ~~10-365~~ 10-366 OF THIS SUBTITLE APPLY.

7 (C) IN A DIRECT REQUEST FOR RECOGNITION AND ENFORCEMENT OF A
8 CONVENTION SUPPORT ORDER OR FOREIGN SUPPORT AGREEMENT:

9 (1) A SECURITY, BOND, OR DEPOSIT IS NOT REQUIRED TO GUARANTEE
10 THE PAYMENT OF COSTS AND EXPENSES; AND

11 (2) AN OBLIGEE OR OBLIGOR THAT IN THE ISSUING COUNTRY HAS
12 BENEFITED FROM FREE LEGAL ASSISTANCE IS ENTITLED TO BENEFIT, AT LEAST TO
13 THE SAME EXTENT, FROM ANY FREE LEGAL ASSISTANCE PROVIDED FOR BY THE LAW
14 OF THIS STATE UNDER THE SAME CIRCUMSTANCES.

15 (D) A PLAINTIFF FILING A DIRECT REQUEST IS NOT ENTITLED TO
16 ASSISTANCE FROM THE ADMINISTRATION.

17 (E) THIS PART DOES NOT PREVENT THE APPLICATION OF LAWS OF THIS
18 STATE THAT PROVIDE SIMPLIFIED, MORE EXPEDITIOUS RULES REGARDING A
19 DIRECT REQUEST FOR RECOGNITION AND ENFORCEMENT OF A FOREIGN SUPPORT
20 ORDER OR FOREIGN SUPPORT AGREEMENT.

21 **10-359.**

22 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS PART, A PARTY WHO IS AN
23 INDIVIDUAL OR A SUPPORT ENFORCEMENT AGENCY SEEKING RECOGNITION OF A
24 CONVENTION SUPPORT ORDER SHALL REGISTER THE ORDER IN THIS STATE AS
25 PROVIDED IN PART VI OF THIS SUBTITLE.

26 (B) NOTWITHSTANDING §§ 10-323 AND 10-341(A) OF THIS SUBTITLE, A
27 REQUEST FOR REGISTRATION OF A CONVENTION SUPPORT ORDER SHALL BE
28 ACCOMPANIED BY:

29 (1) THE COMPLETE TEXT OF THE SUPPORT ORDER;

30 (2) A RECORD STATING THAT THE SUPPORT ORDER IS ENFORCEABLE
31 IN THE ISSUING COUNTRY;

1 **(3) IF THE RESPONDENT DID NOT APPEAR AND WAS NOT**
2 **REPRESENTED IN THE PROCEEDINGS IN THE ISSUING COUNTRY, A RECORD**
3 **ATTESTING, AS APPROPRIATE, EITHER THAT THE RESPONDENT HAD PROPER**
4 **NOTICE OF THE PROCEEDINGS AND AN OPPORTUNITY TO BE HEARD OR THAT THE**
5 **RESPONDENT HAD PROPER NOTICE OF THE SUPPORT ORDER AND AN OPPORTUNITY**
6 **TO BE HEARD IN A CHALLENGE OR APPEAL ON FACT OR LAW BEFORE A TRIBUNAL;**

7 **(4) A RECORD SHOWING THE AMOUNT OF ARREARS, IF ANY, AND THE**
8 **DATE THE AMOUNT WAS CALCULATED;**

9 **(5) A RECORD SHOWING A REQUIREMENT FOR AUTOMATIC**
10 **ADJUSTMENT OF THE AMOUNT OF SUPPORT, IF ANY, AND THE INFORMATION**
11 **NECESSARY TO MAKE THE APPROPRIATE CALCULATIONS; AND**

12 **(6) IF NECESSARY, A RECORD SHOWING THE EXTENT TO WHICH THE**
13 **APPLICANT RECEIVED FREE LEGAL ASSISTANCE IN THE ISSUING COUNTRY.**

14 **(C) A REQUEST FOR REGISTRATION OF A CONVENTION SUPPORT ORDER**
15 **MAY SEEK RECOGNITION AND PARTIAL ENFORCEMENT OF THE ORDER.**

16 **(D) A TRIBUNAL OF THIS STATE MAY VACATE THE REGISTRATION OF A**
17 **CONVENTION SUPPORT ORDER WITHOUT THE FILING OF A CONTEST UNDER §**
18 **10-360 OF THIS SUBTITLE ONLY IF, ACTING ON ITS OWN MOTION, THE TRIBUNAL**
19 **FINDS THAT RECOGNITION AND ENFORCEMENT OF THE ORDER WOULD BE**
20 **MANIFESTLY INCOMPATIBLE WITH PUBLIC POLICY.**

21 **(E) THE TRIBUNAL SHALL PROMPTLY NOTIFY THE PARTIES OF THE**
22 **REGISTRATION OR THE ORDER VACATING THE REGISTRATION OF A CONVENTION**
23 **SUPPORT ORDER.**

24 **10-360.**

25 **(A) EXCEPT AS OTHERWISE PROVIDED IN THIS PART, §§ 10-344 THROUGH**
26 **10-347 OF THIS SUBTITLE APPLY TO A CONTEST OF A REGISTERED CONVENTION**
27 **SUPPORT ORDER.**

28 **(B) A PARTY CONTESTING A REGISTERED CONVENTION SUPPORT ORDER**
29 **SHALL FILE A CONTEST NOT LATER THAN 30 DAYS AFTER NOTICE OF THE**
30 **REGISTRATION, EXCEPT THAT IF THE CONTESTING PARTY DOES NOT RESIDE IN THE**
31 **UNITED STATES, THE CONTEST MUST BE FILED NOT LATER THAN 60 DAYS AFTER**
32 **NOTICE OF THE REGISTRATION.**

1 (C) IF THE NONREGISTERING PARTY FAILS TO CONTEST THE REGISTERED
2 CONVENTION SUPPORT ORDER BY THE TIME SPECIFIED IN SUBSECTION (B) OF THIS
3 SECTION, THE ORDER IS ENFORCEABLE.

4 (D) (1) A CONTEST OF A REGISTERED CONVENTION SUPPORT ORDER
5 MAY BE BASED ONLY ON GROUNDS SET FORTH IN § 10-361 OF THIS SUBTITLE.

6 (2) THE CONTESTING PARTY BEARS THE BURDEN OF PROOF.

7 (E) IN A CONTEST OF A REGISTERED CONVENTION SUPPORT ORDER, A
8 TRIBUNAL OF THIS STATE:

9 (1) IS BOUND BY THE FINDINGS OF FACT ON WHICH THE FOREIGN
10 TRIBUNAL BASED ITS JURISDICTION; AND

11 (2) MAY NOT REVIEW THE MERITS OF THE ORDER.

12 (F) A TRIBUNAL OF THIS STATE DECIDING A CONTEST OF A REGISTERED
13 CONVENTION SUPPORT ORDER SHALL PROMPTLY NOTIFY THE PARTIES OF ITS
14 DECISION.

15 (G) A CHALLENGE OR APPEAL, IF ANY, DOES NOT STAY THE ENFORCEMENT
16 OF A CONVENTION SUPPORT ORDER UNLESS THERE ARE EXCEPTIONAL
17 CIRCUMSTANCES.

18 10-361.

19 (A) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (B) OF THIS
20 SECTION, A TRIBUNAL OF THIS STATE SHALL RECOGNIZE AND ENFORCE A
21 REGISTERED CONVENTION SUPPORT ORDER.

22 (B) THE FOLLOWING GROUNDS ARE THE ONLY GROUNDS ON WHICH A
23 TRIBUNAL OF THIS STATE MAY REFUSE RECOGNITION AND ENFORCEMENT OF A
24 REGISTERED CONVENTION SUPPORT ORDER:

25 (1) RECOGNITION AND ENFORCEMENT OF THE ORDER IS MANIFESTLY
26 INCOMPATIBLE WITH PUBLIC POLICY, INCLUDING THE FAILURE OF THE ISSUING
27 TRIBUNAL TO OBSERVE MINIMUM STANDARDS OF DUE PROCESS, WHICH INCLUDE
28 NOTICE AND AN OPPORTUNITY TO BE HEARD;

29 (2) THE ISSUING TRIBUNAL LACKED PERSONAL JURISDICTION
30 CONSISTENT WITH § 10-304 OF THIS SUBTITLE;

31 (3) THE ORDER IS NOT ENFORCEABLE IN THE ISSUING COUNTRY;

1 **(4) THE ORDER WAS OBTAINED BY FRAUD IN CONNECTION WITH A**
2 **MATTER OF PROCEDURE;**

3 **(5) A RECORD TRANSMITTED IN ACCORDANCE WITH § 10-359 OF THIS**
4 **SUBTITLE LACKS AUTHENTICITY OR INTEGRITY;**

5 **(6) A PROCEEDING BETWEEN THE SAME PARTIES AND HAVING THE**
6 **SAME PURPOSE IS PENDING BEFORE A TRIBUNAL OF THIS STATE AND THAT**
7 **PROCEEDING WAS THE FIRST TO BE FILED;**

8 **(7) THE ORDER IS INCOMPATIBLE WITH A MORE RECENT SUPPORT**
9 **ORDER INVOLVING THE SAME PARTIES AND HAVING THE SAME PURPOSE IF THE**
10 **MORE RECENT SUPPORT ORDER IS ENTITLED TO RECOGNITION AND ENFORCEMENT**
11 **UNDER THIS SUBTITLE IN THIS STATE;**

12 **(8) PAYMENT, TO THE EXTENT ALLEGED ARREARS HAVE BEEN PAID**
13 **IN WHOLE OR IN PART;**

14 **(9) IN A CASE IN WHICH THE RESPONDENT NEITHER APPEARED NOR**
15 **WAS REPRESENTED IN THE PROCEEDING IN THE ISSUING FOREIGN COUNTRY:**

16 **(I) IF THE LAW OF THAT COUNTRY PROVIDES FOR PRIOR**
17 **NOTICE OF PROCEEDINGS, THE RESPONDENT DID NOT HAVE PROPER NOTICE OF**
18 **THE PROCEEDINGS AND AN OPPORTUNITY TO BE HEARD; OR**

19 **(II) IF THE LAW OF THAT COUNTRY DOES NOT PROVIDE FOR**
20 **PRIOR NOTICE OF THE PROCEEDINGS, THE RESPONDENT DID NOT HAVE PROPER**
21 **NOTICE OF THE ORDER AND AN OPPORTUNITY TO BE HEARD IN A CHALLENGE OR**
22 **APPEAL ON FACT OR LAW BEFORE A TRIBUNAL; OR**

23 **(10) THE ORDER WAS MADE IN VIOLATION OF § 10-364 OF THIS**
24 **SUBTITLE.**

25 **(C) IF A TRIBUNAL OF THIS STATE DOES NOT RECOGNIZE A CONVENTION**
26 **SUPPORT ORDER UNDER SUBSECTION (B)(2), (4), OR (9) OF THIS SECTION:**

27 **(1) THE TRIBUNAL MAY NOT DISMISS THE PROCEEDING WITHOUT**
28 **ALLOWING A REASONABLE TIME FOR A PARTY TO REQUEST THE ESTABLISHMENT OF**
29 **A NEW CONVENTION SUPPORT ORDER; AND**

30 **(2) THE ADMINISTRATION SHALL TAKE ALL APPROPRIATE MEASURES**
31 **TO REQUEST A CHILD SUPPORT ORDER FOR THE OBLIGEE IF THE APPLICATION FOR**

1 RECOGNITION AND ENFORCEMENT WAS RECEIVED UNDER § 10-357 OF THIS
2 SUBTITLE.

3 10-362.

4 (A) IF A TRIBUNAL OF THIS STATE DOES NOT RECOGNIZE AND ENFORCE A
5 CONVENTION SUPPORT ORDER IN ITS ENTIRETY, IT SHALL ENFORCE ANY
6 SEVERABLE PART OF THE ORDER.

7 (B) AN APPLICATION OR DIRECT REQUEST MAY SEEK RECOGNITION AND
8 PARTIAL ENFORCEMENT OF A CONVENTION SUPPORT ORDER.

9 10-363.

10 (A) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS (C) AND (D) OF THIS
11 SECTION, A TRIBUNAL OF THIS STATE SHALL RECOGNIZE AND ENFORCE A FOREIGN
12 SUPPORT AGREEMENT REGISTERED IN THIS STATE.

13 (B) AN APPLICATION OR DIRECT REQUEST FOR RECOGNITION AND
14 ENFORCEMENT OF A FOREIGN SUPPORT AGREEMENT MUST BE ACCOMPANIED BY:

15 (1) A COMPLETE TEXT OF THE FOREIGN SUPPORT AGREEMENT; AND

16 (2) A RECORD STATING THAT THE FOREIGN SUPPORT AGREEMENT IS
17 ENFORCEABLE AS AN ORDER OF SUPPORT IN THE ISSUING COUNTRY.

18 (C) A TRIBUNAL OF THIS STATE MAY VACATE THE REGISTRATION OF A
19 FOREIGN SUPPORT AGREEMENT ONLY IF, ACTING ON ITS OWN MOTION, THE
20 TRIBUNAL FINDS THAT RECOGNITION AND ENFORCEMENT WOULD BE MANIFESTLY
21 INCOMPATIBLE WITH PUBLIC POLICY.

22 (D) IN A CONTEST OF A FOREIGN SUPPORT AGREEMENT, A TRIBUNAL OF
23 THIS STATE MAY REFUSE RECOGNITION AND ENFORCEMENT OF THE AGREEMENT IF
24 IT FINDS:

25 (1) RECOGNITION AND ENFORCEMENT OF THE AGREEMENT IS
26 MANIFESTLY INCOMPATIBLE WITH PUBLIC POLICY;

27 (2) THE AGREEMENT WAS OBTAINED BY FRAUD OR FALSIFICATION;

28 (3) THE AGREEMENT IS INCOMPATIBLE WITH A SUPPORT ORDER
29 INVOLVING THE SAME PARTIES AND HAVING THE SAME PURPOSE IN THIS STATE,
30 ANOTHER STATE, OR A FOREIGN COUNTRY IF THE SUPPORT ORDER IS ENTITLED TO
31 RECOGNITION AND ENFORCEMENT UNDER THIS SUBTITLE IN THIS STATE; OR

1 **(4) THE RECORD SUBMITTED UNDER SUBSECTION (B) OF THIS**
2 **SECTION LACKS AUTHENTICITY OR INTEGRITY.**

3 **(E) A PROCEEDING FOR RECOGNITION AND ENFORCEMENT OF A FOREIGN**
4 **SUPPORT AGREEMENT SHALL BE SUSPENDED DURING THE PENDENCY OF A**
5 **CHALLENGE TO OR APPEAL OF THE AGREEMENT BEFORE A TRIBUNAL OF ANOTHER**
6 **STATE OR A FOREIGN COUNTRY.**

7 **10-364.**

8 **(A) A TRIBUNAL OF THIS STATE MAY NOT MODIFY A CONVENTION CHILD**
9 **SUPPORT ORDER IF THE OBLIGEE REMAINS A RESIDENT OF THE FOREIGN COUNTRY**
10 **WHERE THE SUPPORT ORDER WAS ISSUED UNLESS:**

11 **(1) THE OBLIGEE SUBMITS TO THE JURISDICTION OF A TRIBUNAL OF**
12 **THIS STATE, EITHER EXPRESSLY OR BY DEFENDING ON THE MERITS OF THE CASE**
13 **WITHOUT OBJECTING TO THE JURISDICTION AT THE FIRST AVAILABLE**
14 **OPPORTUNITY; OR**

15 **(2) THE FOREIGN TRIBUNAL LACKS OR REFUSES TO EXERCISE**
16 **JURISDICTION TO MODIFY ITS SUPPORT ORDER OR ISSUE A NEW SUPPORT ORDER.**

17 **(B) IF A TRIBUNAL OF THIS STATE DOES NOT MODIFY A CONVENTION CHILD**
18 **SUPPORT ORDER BECAUSE THE ORDER IS NOT RECOGNIZED IN THIS STATE, §**
19 **10-361(C) OF THIS SUBTITLE APPLIES.**

20 **10-365.**

21 **PERSONAL INFORMATION GATHERED OR TRANSMITTED UNDER THIS PART**
22 **MAY BE USED ONLY FOR THE PURPOSES FOR WHICH IT WAS GATHERED OR**
23 **TRANSMITTED.**

24 **10-366.**

25 **A RECORD FILED WITH A TRIBUNAL OF THIS STATE UNDER THIS PART MUST**
26 **BE IN THE ORIGINAL LANGUAGE AND, IF NOT IN ENGLISH, MUST BE ACCOMPANIED**
27 **BY AN ENGLISH TRANSLATION.**

28 **SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July**
29 **1, 2015.**