

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL NO. 1419

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Menes” and substitute “Menes, and Grosfeld”; and in line 29, strike “10-347.” and substitute “10-348.”.

AMENDMENT NO. 2

On page 4, after line 21, insert “(W) “TRIBE” MEANS A TRIBE, BAND, OR VILLAGE OF NATIVE AMERICANS WHICH IS RECOGNIZED BY FEDERAL LAW OR FORMALLY ACKNOWLEDGED BY A STATE.”; and in line 22, strike “(W)” and substitute “(X)”.

AMENDMENT NO. 3

On page 11, in line 9, strike “OR NEGATE”; and in line 12, after “AGENCY.” insert “THE ATTORNEY REPRESENTING THE SUPPORT ENFORCEMENT AGENCY SHALL ADVISE THE PERSON BEING ASSISTED BY THE AGENCY THAT THE ATTORNEY’S REPRESENTATION OF THE ADMINISTRATION DOES NOT CREATE AN ATTORNEY-CLIENT RELATIONSHIP BETWEEN THE ATTORNEY AND THAT PERSON.”.

On page 12, in line 38, strike “SHALL” and insert “MAY”; and strike beginning with “IN” in line 40 down through “CHANGE.” in line 44.

AMENDMENT NO. 4

On page 13, after line 13, insert:

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

(A) THE PHYSICAL PRESENCE OF THE PLAINTIFF IN A RESPONDING TRIBUNAL OF THIS STATE IS NOT REQUIRED FOR THE ESTABLISHMENT, ENFORCEMENT, OR

(Over)

MODIFICATION OF A SUPPORT ORDER OR THE RENDITION OF A JUDGMENT DETERMINING PARENTAGE.

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

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

(D) COPIES OF BILLS FOR TESTING FOR PARENTAGE, AND FOR PRENATAL AND POSTNATAL HEALTH CARE OF THE MOTHER AND CHILD, FURNISHED TO THE ADVERSE PARTY AT LEAST 10 DAYS BEFORE TRIAL, ARE ADMISSIBLE IN EVIDENCE TO PROVE THE AMOUNT OF THE CHARGES BILLED AND THAT THE CHARGES WERE REASONABLE, NECESSARY, AND CUSTOMARY.

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

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

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

AMENDMENT NO. 5

On page 13, in lines 14, 21, 28, and 36, strike “10-324.”, “10-325.”, “10-326.”, and “10-327.”, respectively, and substitute “10-325.”, “10-326.”, “10-327.”, and “10-328.”, respectively.

On page 14, in line 18, strike “10-328.” and substitute “10-329.”; and in line 34, strike “10-333” and substitute “10-334”.

On page 15, in lines 2, 19, and 23, strike “10-329.”, “10-330.”, and “10-331.”, respectively, and substitute “ 10-330.”, “10-331.”, and “10-332.”, respectively.

On page 16, in lines 13, 23, and 31, strike “10-332.”, “10-333.”, and “10-334.”, respectively, and substitute “10-333.”, “10-334.”, and “10-335.”, respectively.

On page 17, in lines 16 and 33, strike “10-335.” and “10-336.”, respectively, and substitute “10-336.” and “10-337.”, respectively; and in line 25, strike “10-336” and substitute “10-337”.

On page 18, in lines 20, 26, and 35, strike “10-337.”, “10-338.”, and “10-339.”, respectively, and substitute “10-338.”, “10-339.”, and “10-340.”, respectively; and in line 7, strike “10-333” and substitute “10-334”.

On page 19, in line 1, strike “10-340” and substitute “10-341”; and in lines 3 and 34, strike “10-340.” and “10-341.”, respectively, and substitute “10-341.” and “10-342.”, respectively.

On page 20, in lines 10 and 22, strike “10-342.” and “10-343.”, respectively, and substitute “10-343.” and “10-344.”, respectively.

On page 21, in lines 1, 27, 31, and 37, strike “10-344.”, “10-345.”, “10-346.”, and “10-347.”, respectively, and substitute “10-345.”, “10-346.”, “10-347.”, and “10-348.”, respectively.