

HOUSE BILL 786

D4

8lr0739

By: **Delegate Dumais**

Introduced and read first time: February 6, 2008

Assigned to: Judiciary

A BILL ENTITLED

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 clarifying that remedies provided under the Maryland Uniform Interstate
5 Family Support Act do not affect the availability of remedies under certain
6 other laws; establishing that this Act does not provide the exclusive method of
7 establishing or enforcing a support order under the law of this State and does
8 not grant a tribunal of this State certain jurisdiction; altering certain provisions
9 concerning the authority of a tribunal of this State to exercise personal
10 jurisdiction over a nonresident individual in a proceeding to establish, modify,
11 or enforce a child support order to determine parentage; altering certain
12 provisions concerning certain proceedings involving two or more states; altering
13 certain provisions concerning the priority of multiple support orders and the
14 determination of the controlling support order; subjecting a support
15 enforcement agency to sanctions if it fails to file a copy of a certain order under
16 certain circumstances; extending certain evidentiary and discovery provisions to
17 certain foreign support orders; specifying certain procedures for the issuance
18 and modification of spousal support orders; altering certain provisions
19 governing procedures for proceedings under this Act; altering the duties of a
20 support enforcement agency under this Act; altering the duties of the Attorney
21 General under this Act; requiring a tribunal to order payment of costs and
22 reasonable attorney's fees under certain circumstances; altering certain rules of
23 evidence and procedure; extending certain provisions of this Act to foreign
24 countries and political subdivisions; requiring a tribunal of this State to direct
25 certain payments, issue a certain order, and send a certain notice under certain
26 circumstances; altering certain provisions governing the establishment of a
27 support order; altering certain provisions governing the registration,
28 enforcement, and modification of a support order; authorizing a tribunal of this
29 State to assume jurisdiction to modify a child support order of a foreign country
30 or political subdivision that is a state under certain circumstances; altering
31 certain provisions governing proceedings to determine parentage; repealing

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 certain obsolete provisions; making stylistic changes; defining certain terms;
2 altering certain definitions; and generally relating to the revision of the
3 Maryland Uniform Interstate Family Support Act.

4 BY repealing and reenacting, without amendments,
5 Article – Family Law
6 Section 10–301(a) and 10–359
7 Annotated Code of Maryland
8 (2006 Replacement Volume and 2007 Supplement)

9 BY repealing and reenacting, with amendments,
10 Article – Family Law
11 Section 10–301(h), (o), (p), (q), (r), (s), (t), (u), (v), (w), and (x), 10–303 through
12 10–305, 10–308 through 10–313, 10–315, 10–316, 10–317(a) and (b)(1),
13 10–318 through 10–320, 10–322 through 10–324, 10–325(c), 10–326(a),
14 10–328(a), (b), (e), (f), (g), (h), 10–329, 10–331 through 10–333,
15 10–334(c)(2), 10–335, 10–338, 10–339(a); the part designation Part VI.
16 “Enforcement and Modification of Support Order After Registration”
17 immediately preceding Section 10–340; 10–340, 10–341(a), 10–343,
18 10–344, 10–345(a), 10–346(a), 10–349, 10–350, 10–351, 10–354,
19 10–356(a) and (b), and 10–357
20 Annotated Code of Maryland
21 (2006 Replacement Volume and 2007 Supplement)

22 BY adding to
23 Article – Family Law
24 Section 10–301(o) and (p), 10–312.1, 10–312.2, 10–317(f), 10–328(j),
25 10–341(d) and (e), and 10–353.1
26 Annotated Code of Maryland
27 (2006 Replacement Volume and 2007 Supplement)

28 BY repealing
29 Article – Family Law
30 The subpart designation “Subpart A. Extended Personal Jurisdiction”
31 immediately preceding Section 10–304; the subpart designation “Subpart
32 B. Proceedings Involving Two or More States” immediately preceding
33 Section 10–308; and the subpart designation “Subpart C. Reconciliation
34 of Multiple Orders” immediately preceding Section 10–310
35 Annotated Code of Maryland
36 (2006 Replacement Volume and 2007 Supplement)

37 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
38 MARYLAND, That the Laws of Maryland read as follows:

39 **Article – Family Law**

40 10–301.

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

2 (h) “Initiating state” means a state from which a proceeding is forwarded or
3 in which a proceeding is filed for forwarding to a responding state under this subtitle
4 or a law or procedure substantially similar to this subtitle[, the Uniform Reciprocal
5 Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of
6 Support Act].

7 (o) **“PERSON” MEANS AN INDIVIDUAL, CORPORATION, BUSINESS**
8 **TRUST, ESTATE, TRUST, PARTNERSHIP, LIMITED LIABILITY COMPANY,**
9 **ASSOCIATION, JOINT VENTURE, GOVERNMENT, GOVERNMENTAL SUBDIVISION,**
10 **AGENCY, OR INSTRUMENTALITY, PUBLIC CORPORATION, OR ANY OTHER LEGAL**
11 **OR COMMERCIAL ENTITY.**

12 (p) **“RECORD” MEANS INFORMATION THAT IS INSCRIBED ON A**
13 **TANGIBLE MEDIUM OR THAT IS STORED IN AN ELECTRONIC OR OTHER MEDIUM**
14 **AND IS RETRIEVABLE IN PERCEIVABLE FORM.**

15 [(o)] (q) “Register” means to record a support order or judgment
16 determining parentage in the registry of foreign support orders.

17 [(p)] (r) “Registering tribunal” means a tribunal in which a support order is
18 registered.

19 [(q)] (s) “Responding state” means a state in which a proceeding is filed or
20 to which a proceeding is forwarded for filing from an initiating state under this
21 subtitle or a law or procedure substantially similar to this subtitle[, the Uniform
22 Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal
23 Enforcement of Support Act].

24 [(r)] (t) “Responding tribunal” means the authorized tribunal in a
25 responding state.

26 [(s)] (u) “Spousal support order” means a support order for a spouse or
27 former spouse of the obligor.

28 [(t)] (v) (1) “State” means a state of the United States, the District of
29 Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular
30 possession subject to the jurisdiction of the United States.

31 (2) “State” includes:

32 (i) an Indian tribe; and

33 (ii) a foreign [jurisdiction] **COUNTRY OR POLITICAL**
34 **SUBDIVISION** that has:

1 **1. BEEN DECLARED TO BE A FOREIGN**
 2 **RECIPROCATING COUNTRY OR POLITICAL SUBDIVISION UNDER FEDERAL LAW;**

3 **2. ESTABLISHED A RECIPROCAL ARRANGEMENT FOR**
 4 **CHILD SUPPORT WITH THIS STATE AS PROVIDED IN § 10-320; OR**

5 **3.** enacted a law or established procedures for issuance
 6 and enforcement of support orders which are substantially similar to the procedures
 7 under this subtitle[, the Uniform Reciprocal Enforcement of Support Act, or the
 8 Revised Uniform Reciprocal Enforcement of Support Act].

9 [(u)] (W) “Support enforcement agency” means a public official or agency
 10 authorized to seek:

11 (1) enforcement of support orders or laws relating to the duty of
 12 support;

13 (2) establishment or modification of child support;

14 (3) determination of parentage; [or]

15 (4) the location of obligors or their assets; **OR**

16 **(5) DETERMINATION OF THE CONTROLLING CHILD SUPPORT**
 17 **ORDER.**

18 [(v)] (X) “Support order” means a judgment, decree, [or] order, **OR**
 19 **DIRECTIVE** whether temporary, final, or subject to modification, **ISSUED BY A**
 20 **TRIBUNAL** for the benefit of a child, a spouse, or a former spouse, which provides for
 21 monetary support, health care, arrearages, or reimbursement, and may include
 22 related costs and fees, interest, income withholding, attorney’s fees, and other relief.

23 [(w)] (Y) “Tribe” means a tribe, band, or village of Native Americans which
 24 is recognized by federal law or formally acknowledged by a state.

25 [(x)] (Z) “Tribunal” means a court, administrative agency, or quasi-judicial
 26 entity authorized to establish, enforce, or modify support orders or to determine
 27 parentage.

28 10-303.

29 **(A)** Remedies provided by this subtitle are cumulative and do not affect the
 30 availability of remedies under other law, **INCLUDING THE RECOGNITION OF A**
 31 **SUPPORT ORDER OF A FOREIGN COUNTRY OR POLITICAL SUBDIVISION ON THE**
 32 **BASIS OF COMITY.**

1 **(B) THIS SUBTITLE DOES NOT:**

2 **(1) PROVIDE THE EXCLUSIVE METHOD OF ESTABLISHING OR**
3 **ENFORCING A SUPPORT ORDER UNDER THE LAW OF THIS STATE; OR**

4 **(2) GRANT A TRIBUNAL OF THIS STATE JURISDICTION TO RENDER**
5 **JUDGMENT OR ISSUE AN ORDER RELATING TO CHILD CUSTODY OR VISITATION**
6 **IN A PROCEEDING UNDER THIS SUBTITLE.**

7 Part II. Jurisdiction.

8 [Subpart A. Extended Personal Jurisdiction.]

9 10–304.

10 **(A)** In a proceeding to establish[,] **OR** enforce[, or modify] a support order or
11 to determine parentage, a tribunal of this State may exercise personal jurisdiction
12 over a nonresident individual if:

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

14 (2) the individual submits to the jurisdiction of this State by consent
15 **IN A RECORD**, by entering a general appearance, or by filing a responsive document
16 having the effect of waiving any contest to personal jurisdiction;

17 (3) the individual resided in this State and provided prenatal expenses
18 or support for the child;

19 (4) the child resides in this State as result of the acts or directives of
20 the individual;

21 (5) the child may have been conceived in this State; or

22 (6) there is any other basis consistent with the constitutions of this
23 State and the United States for the exercise of personal jurisdiction.

24 **(B) THE BASES OF PERSONAL JURISDICTION SET FORTH IN**
25 **SUBSECTION (A) OF THIS SECTION OR IN ANY OTHER LAW OF THIS STATE MAY**
26 **NOT BE USED TO ACQUIRE PERSONAL JURISDICTION FOR A TRIBUNAL OF THE**
27 **STATE TO MODIFY A CHILD SUPPORT ORDER OF ANOTHER STATE UNLESS THE**
28 **REQUIREMENTS OF §§ 10–350 AND 10–353.1 ARE MET.**

29 10–305.

1 [A tribunal of this State exercising personal jurisdiction over a nonresident
2 under § 10–304 of this subtitle may apply § 10–328 of this subtitle (Special rules of
3 evidence and procedure) to receive evidence from another state, and § 10–330 of this
4 subtitle (Assistance with discovery) to obtain discovery through a tribunal of another
5 state. In all other respects, Parts III through VII of this subtitle do not apply and the
6 tribunal shall apply the procedural and substantive law of this State, including the
7 rules on choice of law other than those established by this subtitle.] **PERSONAL**
8 **JURISDICTION ACQUIRED BY A TRIBUNAL OF THIS STATE IN A PROCEEDING**
9 **UNDER THIS SUBTITLE OR OTHER LAW OF THIS STATE RELATING TO A SUPPORT**
10 **ORDER CONTINUES AS LONG AS A TRIBUNAL OF THIS STATE HAS CONTINUING,**
11 **EXCLUSIVE JURISDICTION TO MODIFY ITS ORDER OR CONTINUING**
12 **JURISDICTION TO ENFORCE ITS ORDER AS PROVIDED IN §§ 10–308, 10–309, AND**
13 **10–312.2 OF THIS SUBTITLE.**

14 [Subpart B. Proceedings Involving Two or More States.]

15 10–308.

16 (a) A tribunal of this State [issuing] **THAT HAS ISSUED** a support order
17 consistent with the law of this State has **AND SHALL EXERCISE** continuing, exclusive
18 jurisdiction [over a] **TO MODIFY ITS** child support order **IF THE ORDER IS THE**
19 **CONTROLLING ORDER AND:**

20 (1) [as long as] **AT THE TIME OF FILING OF A REQUEST FOR**
21 **MODIFICATION** this State [remains] **IS** the residence of the obligor, the individual
22 obligee, or the child for whose benefit the support order is issued; or

23 (2) [until all of the parties who are individuals have filed written
24 consents with the tribunal of this State for a tribunal of another state to modify the
25 order and assume continuing, exclusive jurisdiction] **EVEN IF THIS STATE IS NOT**
26 **THE RESIDENCE OF THE OBLIGOR, THE INDIVIDUAL OBLIGEE, OR THE CHILD**
27 **FOR WHOSE BENEFIT THE SUPPORT ORDER IS ISSUED, THE PARTIES CONSENT**
28 **IN A RECORD OR IN OPEN COURT THAT THE TRIBUNAL OF THIS STATE MAY**
29 **CONTINUE TO EXERCISE JURISDICTION TO MODIFY ITS ORDER.**

30 (b) A tribunal of this State [issuing] **THAT HAS ISSUED** a child support
31 order consistent with the law of this State may not exercise [its] continuing,
32 **EXCLUSIVE** jurisdiction to modify the order if [the order has been modified by a
33 tribunal of another state pursuant to this subtitle or a law substantially similar to this
34 subtitle]:

35 (1) **ALL OF THE PARTIES WHO ARE INDIVIDUALS FILE CONSENT IN**
36 **A RECORD WITH THE TRIBUNAL OF THIS STATE THAT A TRIBUNAL OF ANOTHER**
37 **STATE THAT HAS JURISDICTION OVER AT LEAST ONE OF THE PARTIES WHO IS AN**
38 **INDIVIDUAL OR THAT IS LOCATED IN THE STATE OF RESIDENCE OF THE CHILD**

1 **MAY MODIFY THE ORDER AND ASSUME CONTINUING, EXCLUSIVE JURISDICTION;**
2 **OR**

3 **(2) ITS ORDER IS NOT THE CONTROLLING ORDER.**

4 (c) [If a child support order of this State is modified by a tribunal of another
5 state pursuant to this subtitle or a law substantially similar to this subtitle, a tribunal
6 of this State loses its continuing, exclusive jurisdiction with regard to prospective
7 enforcement of the order issued in this State, and may only:

8 (1) enforce the order that was modified as to amounts accruing before
9 the modification;

10 (2) enforce nonmodifiable aspects of that order; and

11 (3) provide other appropriate relief for violations of that order which
12 occurred before the effective date of the modification.] **IF A TRIBUNAL OF ANOTHER**
13 **STATE HAS ISSUED A CHILD SUPPORT ORDER PURSUANT TO THIS SUBTITLE OR**
14 **A LAW SUBSTANTIALLY SIMILAR TO THIS SUBTITLE THAT MODIFIES A CHILD**
15 **SUPPORT ORDER OF A TRIBUNAL OF THIS STATE, TRIBUNALS OF THIS STATE**
16 **SHALL RECOGNIZE THE CONTINUING, EXCLUSIVE JURISDICTION OF THE**
17 **TRIBUNAL OF THE OTHER STATE.**

18 (d) [A tribunal of this State shall recognize the continuing, exclusive
19 jurisdiction of a tribunal of another state which has issued a child support order
20 pursuant to this subtitle or a law substantially similar to this subtitle] **A TRIBUNAL**
21 **OF THIS STATE THAT LACKS CONTINUING, EXCLUSIVE JURISDICTION TO**
22 **MODIFY A CHILD SUPPORT ORDER MAY SERVE AS AN INITIATING TRIBUNAL TO**
23 **REQUEST A TRIBUNAL OF ANOTHER STATE TO MODIFY A SUPPORT ORDER**
24 **ISSUED IN THAT STATE.**

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

28 [(f) A tribunal of this State issuing a support order consistent with the law of
29 this State has continuing, exclusive jurisdiction over a spousal support order
30 throughout the existence of the support obligation. A tribunal of this State may not
31 modify a spousal support order issued by a tribunal of another state having
32 continuing, exclusive jurisdiction over that order under the law of that state.]

33 10-309.

34 (a) A tribunal of this State **THAT HAS ISSUED A CHILD SUPPORT ORDER**
35 **CONSISTENT WITH THE LAW OF THIS STATE** may serve as an initiating tribunal to

1 request a tribunal of another state to enforce [or modify a support order issued in that
2 state]:

3 **(1) THE ORDER IF THE ORDER IS THE CONTROLLING ORDER AND**
4 **HAS NOT BEEN MODIFIED BY A TRIBUNAL OF ANOTHER STATE THAT ASSUMED**
5 **JURISDICTION PURSUANT TO THIS SUBTITLE; OR**

6 **(2) A MONEY JUDGMENT FOR ARREARS OF SUPPORT AND**
7 **INTEREST ON THE ORDER ACCRUED BEFORE A DETERMINATION THAT AN**
8 **ORDER OF ANOTHER STATE IS THE CONTROLLING ORDER.**

9 (b) A tribunal of this State having continuing[, exclusive] jurisdiction over a
10 support order may act as a responding tribunal to enforce [or modify] the order. [If a
11 party subject to the continuing, exclusive jurisdiction of the tribunal no longer resides
12 in the issuing state, in subsequent proceedings the tribunal may apply § 10–328 of this
13 subtitle (Special rules of evidence and procedure) to receive evidence from another
14 state and § 10–330 of this subtitle (Assistance with discovery) to obtain discovery
15 through a tribunal of another state.

16 (c) A tribunal of this State which lacks continuing, exclusive jurisdiction
17 over a spousal support order may not serve as a responding tribunal to modify a
18 spousal support order of another state.]

19 [Subpart C. Reconciliation of Multiple Orders.]

20 10–310.

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

24 (b) If a proceeding is brought under this subtitle, and two or more child
25 support orders have been issued by tribunals of this State or another state with regard
26 to the same obligor and **SAME** child, a tribunal of this State **HAVING PERSONAL**
27 **JURISDICTION OVER BOTH THE OBLIGOR AND INDIVIDUAL OBLIGEE** shall apply
28 the following rules [in determining] **AND BY ORDER SHALL DETERMINE** which order
29 [to recognize for purposes of continuing, exclusive jurisdiction] **CONTROLS:**

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

33 (2) if more than one of the tribunals would have continuing, exclusive
34 jurisdiction under this subtitle, an order issued by a tribunal in the current home state
35 of the child controls [and must be so recognized], but if an order has not been issued in

1 the current home state of the child, the order most recently issued controls [and must
2 be so recognized.]; **OR**

3 (3) if none of the tribunals would have continuing, exclusive
4 jurisdiction under this subtitle, the tribunal of this State [having jurisdiction over the
5 parties] shall issue a child support order, which controls [and must be so recognized].

6 (c) If two or more child support orders have been issued for the same obligor
7 and **SAME** child [and if the obligor or the individual obligee resides in this State], **ON**
8 **REQUEST OF** a party **WHO IS AN INDIVIDUAL OR SUPPORT ENFORCEMENT**
9 **AGENCY**, [may request] a tribunal of this State [to] **HAVING PERSONAL**
10 **JURISDICTION OVER BOTH THE OBLIGOR AND THE OBLIGEE WHO IS AN**
11 **INDIVIDUAL SHALL** determine which order controls [and must be so recognized]
12 under subsection (b) of this section. The request [must be accompanied by a certified
13 copy of every support order in effect. Each party whose rights may be affected by a
14 determination of the controlling order must be given notice of the request for that
15 determination in accordance with the Maryland Rules] **MAY BE FILED WITH A**
16 **REGISTRATION FOR ENFORCEMENT OR REGISTRATION FOR MODIFICATION**
17 **PURSUANT TO PART VI OF THIS SUBTITLE, OR MAY BE FILED AS A SEPARATE**
18 **PROCEEDING.**

19 (d) **A REQUEST TO DETERMINE WHICH IS THE CONTROLLING ORDER**
20 **MUST BE ACCOMPANIED BY A COPY OF EVERY CHILD SUPPORT ORDER IN**
21 **EFFECT AND THE APPLICABLE RECORD OF PAYMENTS. EACH PARTY WHOSE**
22 **RIGHTS MAY BE AFFECTED BY A DETERMINATION OF THE CONTROLLING ORDER**
23 **SHALL BE GIVEN NOTICE OF THE REQUEST FOR THAT DETERMINATION IN**
24 **ACCORDANCE WITH THE MARYLAND RULES.**

25 (E) The tribunal that issued the controlling order under subsection (a), (b), or
26 (c) of this section [is the tribunal that] has continuing[, exclusive] jurisdiction [under]
27 **TO THE EXTENT PROVIDED IN § 10-308 OR § 10-309** of this subtitle.

28 [(e)] (F) A tribunal of this State that determines by order [the identity of]
29 the controlling child support order under subsection (b)(1) or (2) **OR (C)** of this section
30 or that issues a new controlling child support order under subsection (b)(3) of this
31 [section] **SECTION**, shall include in that order:

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

33 (2) **THE AMOUNT OF PROSPECTIVE SUPPORT, IF ANY; AND**

34 (3) **THE TOTAL AMOUNT OF CONSOLIDATED ARREARS AND**
35 **ACCRUED INTEREST, IF ANY, UNDER ALL OF THE ORDERS AFTER ALL PAYMENTS**
36 **MADE ARE CREDITED AS PROVIDED BY § 10-312 OF THIS SUBTITLE.**

1 [(f)] (G) Within 30 days after issuance of the order determining [the
2 identity of] the controlling order, the party obtaining that order shall file a certified
3 copy of it [with] **IN** each tribunal that had issued or registered an earlier order of child
4 support. Failure of the party **OR SUPPORT ENFORCEMENT AGENCY** obtaining the
5 order to file a certified copy as required subjects that party **OR SUPPORT**
6 **ENFORCEMENT AGENCY** to appropriate sanctions by a tribunal in which the issue of
7 failure to file arises, but that failure has no effect on the validity or enforceability of
8 the controlling order.

9 (H) **AN ORDER THAT HAS BEEN DETERMINED TO BE THE CONTROLLING**
10 **ORDER, OR A JUDGMENT FOR CONSOLIDATED ARREARS OF SUPPORT AND**
11 **INTEREST, IF ANY, MADE PURSUANT TO THIS SECTION SHALL BE RECOGNIZED**
12 **IN PROCEEDINGS UNDER THIS SUBTITLE.**

13 10-311.

14 In responding to [multiple] registrations or requests for enforcement of two or
15 more child support orders in effect at the same time with regard to the same obligor
16 and different individual obligees, at least one of which was issued by a tribunal of
17 another state, a tribunal of this State shall enforce those orders in the same manner
18 as if the [multiple] orders had been issued by a tribunal of this State.

19 10-312.

20 [Amounts] **A TRIBUNAL OF THIS STATE SHALL CREDIT AMOUNTS** collected
21 [and credited] for a particular period pursuant to [a support order] **ANY CHILD**
22 **SUPPORT ORDER AGAINST THE AMOUNTS OWED FOR THE SAME PERIOD UNDER**
23 **ANY OTHER CHILD SUPPORT ORDER FOR SUPPORT OF THE SAME CHILD** issued
24 by a tribunal of **THIS STATE OR** another state [must be credited against the amounts
25 accruing or accrued for the same period under a support order issued by the tribunal of
26 this State].

27 **10-312.1.**

28 **A TRIBUNAL OF THIS STATE EXERCISING PERSONAL JURISDICTION OVER**
29 **A NONRESIDENT IN A PROCEEDING UNDER THIS SUBTITLE, UNDER OTHER LAW**
30 **OF THIS STATE RELATING TO A SUPPORT ORDER, OR RECOGNIZING A SUPPORT**
31 **ORDER OF A FOREIGN COUNTRY OR POLITICAL SUBDIVISION ON THE BASIS OF**
32 **COMITY MAY RECEIVE EVIDENCE FROM ANOTHER STATE PURSUANT TO §**
33 **10-328 OF THIS SUBTITLE, COMMUNICATE WITH A TRIBUNAL OF ANOTHER**
34 **STATE PURSUANT TO § 10-329 OF THIS SUBTITLE, AND OBTAIN DISCOVERY**
35 **THROUGH A TRIBUNAL OF ANOTHER STATE PURSUANT TO § 10-330 OF THIS**
36 **SUBTITLE. IN ALL OTHER RESPECTS, THE PROVISIONS OF PARTS III THROUGH**
37 **VII OF THIS SUBTITLE DO NOT APPLY AND THE TRIBUNAL SHALL APPLY THE**
38 **PROCEDURAL AND SUBSTANTIVE LAW OF THIS STATE.**

1 **10-312.2.**

2 (A) A TRIBUNAL OF THIS STATE ISSUING A SPOUSAL SUPPORT ORDER
3 CONSISTENT WITH THE LAW OF THIS STATE HAS CONTINUING, EXCLUSIVE
4 JURISDICTION TO MODIFY THE SPOUSAL SUPPORT ORDER THROUGHOUT THE
5 EXISTENCE OF THE SUPPORT OBLIGATION.

6 (B) A TRIBUNAL OF THIS STATE MAY NOT MODIFY A SPOUSAL SUPPORT
7 ORDER ISSUED BY A TRIBUNAL OF ANOTHER STATE IF THE STATE HAS
8 CONTINUING, EXCLUSIVE JURISDICTION OVER THE SPOUSAL SUPPORT ORDER
9 UNDER THE LAW OF THAT STATE.

10 (C) A TRIBUNAL OF THIS STATE THAT HAS CONTINUING, EXCLUSIVE
11 JURISDICTION OVER A SPOUSAL SUPPORT ORDER MAY SERVE AS:

12 (1) AN INITIATING TRIBUNAL TO REQUEST A TRIBUNAL OF
13 ANOTHER STATE TO ENFORCE THE SPOUSAL SUPPORT ORDER ISSUED IN THIS
14 STATE; OR

15 (2) A RESPONDING TRIBUNAL TO ENFORCE OR MODIFY ITS OWN
16 SPOUSAL SUPPORT ORDER.

17 **10-313.**

18 (a) Except as otherwise provided in this subtitle, [this] Part III OF THIS
19 SUBTITLE applies to all proceedings under this subtitle.

20 (b) [This subtitle provides for the following proceedings:

21 (1) establishment of an order for spousal support or child support
22 pursuant to Part IV of this subtitle;

23 (2) enforcement of a support order and income withholding order of
24 another state without registration pursuant to Part V of this subtitle;

25 (3) registration of an order for spousal support or child support of
26 another state for enforcement pursuant to Part VI of this subtitle;

27 (4) modification of an order for child support or spousal support issued
28 by a tribunal of this State pursuant to Part II, Subpart B of this subtitle;

29 (5) registration of an order for child support of another state for
30 modification pursuant to Part VI of this subtitle;

1 (6) determination of parentage pursuant to Part VII of this subtitle;
2 and

3 (7) assertion of jurisdiction over nonresidents pursuant to Part II,
4 Subpart A of this subtitle.

5 (c) An individual or a support enforcement agency may [commence]
6 **INITIATE** a proceeding authorized under this subtitle by filing a complaint in an
7 initiating tribunal for forwarding to a responding tribunal or by filing a complaint or a
8 comparable pleading directly in a tribunal of another state which has or can obtain
9 personal jurisdiction over the defendant.

10 10-315.

11 Except as otherwise provided [by] **IN** this subtitle, a responding tribunal of this
12 State **SHALL**:

13 (1) [shall] apply the procedural and substantive law[, including the
14 rules on choice of law,] generally applicable to similar proceedings originating in this
15 State and may exercise all powers and provide all remedies available in those
16 proceedings; and

17 (2) [shall] determine the duty of support and the amount payable in
18 accordance with the law and support guidelines of this State.

19 10-316.

20 (a) Upon the filing of a complaint authorized by this subtitle, an initiating
21 tribunal of this State shall forward [three copies of] the complaint and its
22 accompanying documents:

23 (1) to the responding tribunal or appropriate support enforcement
24 agency in the responding state; or

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

28 (b) If [a responding state has not enacted this subtitle or a law or procedure
29 substantially similar to this subtitle, a] **REQUESTED BY THE RESPONDING**
30 **TRIBUNAL, A** tribunal of this State [may] **SHALL** issue a certificate or other document
31 and make findings required by the law of the responding state. If the responding state
32 is a foreign [jurisdiction] **COUNTRY OR POLITICAL SUBDIVISION, ON REQUEST**, the
33 tribunal [may] **SHALL** specify the amount of support sought [and], **CONVERT THAT**
34 **AMOUNT INTO THE EQUIVALENT AMOUNT IN THE FOREIGN CURRENCY UNDER**
35 **APPLICABLE OFFICIAL OR MARKET EXCHANGE RATE AS PUBLICLY REPORTED,**

1 AND provide ANY other documents necessary to satisfy the requirements of the
2 responding state.

3 10-317.

4 (a) When a responding tribunal of this State receives a complaint or
5 comparable pleading from an initiating tribunal or directly pursuant to § 10-313 of
6 this subtitle [(Proceedings under this subtitle)], it shall cause the complaint or
7 pleading to be filed and notify the plaintiff where and when it was filed.

8 (b) A responding tribunal of this State, to the extent [otherwise authorized]
9 **NOT PROHIBITED** by **OTHER** law, may do one or more of the following:

10 (1) issue or enforce a support order, modify a child support order,
11 **DETERMINE THE CONTROLLING CHILD SUPPORT ORDER**, or [render a judgment
12 to] determine parentage;

13 **(F) IF REQUESTED TO ENFORCE A SUPPORT ORDER, ARREARS, OR**
14 **JUDGMENT OR TO MODIFY A SUPPORT ORDER STATED IN A FOREIGN**
15 **CURRENCY, A RESPONDING TRIBUNAL OF THIS STATE SHALL CONVERT THE**
16 **AMOUNT STATED IN THE FOREIGN CURRENCY TO THE EQUIVALENT AMOUNT IN**
17 **DOLLARS UNDER THE APPLICABLE OFFICIAL MARKET EXCHANGE RATE AS**
18 **PUBLICLY REPORTED.**

19 10-318.

20 If a complaint or comparable pleading is received by an inappropriate tribunal
21 of this State, [it] **THE TRIBUNAL** shall forward the pleading and accompanying
22 documents to an appropriate tribunal in this State or another state and notify the
23 plaintiff where and when the pleading was sent.

24 10-319.

25 (a) A support enforcement agency of this State, upon request, shall provide
26 services to a plaintiff in a proceeding under this subtitle.

27 (b) A support enforcement agency **OF THIS STATE** that is providing services
28 to the plaintiff [as appropriate] shall:

29 (1) take all steps necessary to enable an appropriate tribunal in this
30 State or another state to obtain jurisdiction over the defendant;

31 (2) request an appropriate tribunal to set a date, time, and place for a
32 hearing;

1 (3) make a reasonable effort to obtain all relevant information,
2 including information as to income and property of the parties;

3 (4) within 2 days, exclusive of Saturdays, Sundays, and legal holidays,
4 after receipt of [a written] notice **IN A RECORD** from an initiating, responding, or
5 registering tribunal, send a copy of the notice to the plaintiff;

6 (5) within 2 days, exclusive of Saturdays, Sundays, and legal holidays,
7 after receipt of [a written] communication **IN A RECORD** from the defendant or the
8 defendant's attorney, send a copy of the communication to the plaintiff; and

9 (6) notify the plaintiff if jurisdiction over the defendant cannot be
10 obtained.

11 (c) **A SUPPORT ENFORCEMENT AGENCY OF THIS STATE THAT**
12 **REQUESTS REGISTRATION OF A CHILD SUPPORT ORDER IN THIS STATE FOR**
13 **ENFORCEMENT OR FOR MODIFICATION SHALL MAKE REASONABLE EFFORTS TO**
14 **ENSURE THAT:**

15 (1) **THE ORDER TO BE REGISTERED IS THE CONTROLLING ORDER;**
16 **OR**

17 (2) **IF TWO OR MORE CHILD SUPPORT ORDERS EXIST AND THE**
18 **IDENTITY OF THE CONTROLLING ORDER HAS NOT BEEN DETERMINED, A**
19 **REQUEST FOR A DETERMINATION OF THE CONTROLLING ORDER IS MADE IN A**
20 **TRIBUNAL HAVING JURISDICTION TO DO SO.**

21 (D) **A SUPPORT ENFORCEMENT AGENCY OF THIS STATE THAT**
22 **REQUESTS REGISTRATION AND ENFORCEMENT OF A SUPPORT ORDER,**
23 **ARREARS, OR JUDGMENT STATED IN A FOREIGN CURRENCY SHALL CONVERT**
24 **THE AMOUNT STATED IN THE FOREIGN CURRENCY INTO THE EQUIVALENT**
25 **AMOUNT IN DOLLARS UNDER THE APPLICABLE OFFICIAL MARKET EXCHANGE**
26 **RATE AS PUBLICLY REPORTED.**

27 (E) **A SUPPORT ENFORCEMENT AGENCY OF THIS STATE SHALL**
28 **REQUEST A TRIBUNAL OF THIS STATE TO ISSUE A CHILD SUPPORT ORDER AND**
29 **AN INCOME WITHHOLDING ORDER THAT REDIRECT PAYMENT OF CURRENT**
30 **SUPPORT, ARREARS, AND INTEREST IF REQUESTED TO DO SO BY A SUPPORT**
31 **ENFORCEMENT AGENCY OF ANOTHER STATE PURSUANT TO § 10-331 OF THIS**
32 **SUBTITLE.**

33 (F) This subtitle does not create a relationship of attorney and client or other
34 fiduciary relationship between a support enforcement agency or the attorney for the
35 agency and the individual being assisted by the agency. The attorney representing the
36 support enforcement agency shall advise the person being assisted by the agency that

1 the attorney's representation of the Administration does not create an attorney-client
2 relationship between the attorney and that person.

3 10-320.

4 (A) If the Attorney General determines that the support enforcement agency
5 is neglecting or refusing to provide services to an individual, the Attorney General
6 may order the agency to perform its duties under this subtitle.

7 (B) **THE ATTORNEY GENERAL MAY DETERMINE THAT A FOREIGN**
8 **COUNTRY OR POLITICAL SUBDIVISION HAS ESTABLISHED A RECIPROCAL**
9 **ARRANGEMENT FOR CHILD SUPPORT WITH THIS STATE AND TAKE**
10 **APPROPRIATE ACTION FOR NOTIFICATION OF THE DETERMINATION.**

11 10-322.

12 (a) The Child Support Enforcement Administration is the State information
13 agency under this subtitle.

14 (b) The State information agency shall:

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

19 (2) maintain a register of **NAMES AND ADDRESSES OF** tribunals and
20 support enforcement agencies received from other states;

21 (3) forward to the appropriate tribunal in the [place] **COUNTY** in this
22 State in which the [individual] obligee **WHO IS AN INDIVIDUAL** or the obligor resides,
23 or in which the obligor's property is believed to be located, all documents concerning a
24 proceeding under this subtitle received from an initiating tribunal or the state
25 information agency of the initiating state; and

26 (4) obtain information concerning the location of the obligor and the
27 obligor's property within this State not exempt from execution, by such means as
28 postal verification and federal or state locator services, examination of telephone
29 directories, requests for the obligor's address from employers, and examination of
30 governmental records, including, to the extent not prohibited by other law, those
31 relating to real property, vital statistics, law enforcement, taxation, motor vehicles,
32 drivers' licenses, and Social Security.

33 10-323.

34 (a) **[A] IN A PROCEEDING UNDER THIS SUBTITLE, A** plaintiff seeking to
35 establish [or modify] a support order [or], to determine parentage [in a proceeding

1 under this subtitle], **OR TO REGISTER AND MODIFY A SUPPORT ORDER OF**
2 **ANOTHER STATE** must [verify the] **FILE A** complaint. Unless otherwise ordered under
3 § 10–324 of this subtitle [(Nondisclosure of information in exceptional circumstances)],
4 the [plaintiff] **COMPLAINT** or accompanying documents must provide, so far as
5 known, the name, residential address, and Social Security numbers of the obligor and
6 the obligee **OR THE PARENT AND ALLEGED PARENT**, and the name, sex, residential
7 address, Social Security number, and date of birth of each child for [whom] **WHOSE**
8 **BENEFIT** support is sought **OR WHOSE PARENTAGE IS TO BE DETERMINED**. [The]
9 **UNLESS FILED AT THE TIME OF REGISTRATION, THE** complaint must be
10 accompanied by a [certified] copy of any support order [in effect] **KNOWN TO HAVE**
11 **BEEN ISSUED BY ANOTHER TRIBUNAL**. The complaint may include any other
12 information that may assist in locating or identifying the defendant.

13 (b) The complaint must specify the relief sought. The complaint and
14 accompanying documents must conform substantially with the requirements imposed
15 by the forms mandated by federal law for use in cases filed by a support enforcement
16 agency.

17 10–324.

18 [Upon a finding, which may be made ex parte, that the health, safety, or liberty
19 of a party or child would be unreasonably put at risk by the disclosure of identifying
20 information, or if an existing order so provides, a tribunal shall order that the address
21 of the child or party or other identifying information not be disclosed in a pleading or
22 other document filed in a proceeding under this subtitle.] **IF A PARTY ALLEGES IN AN**
23 **AFFIDAVIT OR A PLEADING UNDER OATH THAT THE HEALTH, SAFETY, OR**
24 **LIBERTY OF A PARTY OR CHILD WOULD BE JEOPARDIZED BY DISCLOSURE OF**
25 **SPECIFIC IDENTIFYING INFORMATION, THAT INFORMATION SHALL BE SEALED**
26 **AND MAY NOT BE DISCLOSED TO THE OTHER PARTY OR THE PUBLIC. AFTER A**
27 **HEARING IN WHICH A TRIBUNAL TAKES INTO CONSIDERATION THE HEALTH,**
28 **SAFETY, OR LIBERTY OF THE PARTY OR CHILD, THE TRIBUNAL MAY ORDER**
29 **DISCLOSURE OF INFORMATION THAT THE TRIBUNAL DETERMINES TO BE IN THE**
30 **INTEREST OF JUSTICE.**

31 10–325.

32 (c) The tribunal [may] **SHALL** order the payment of costs and reasonable
33 attorney's fees if it determines that a hearing was requested primarily for delay. In a
34 proceeding under Part VI of this subtitle [(Enforcement and modification of support
35 order after registration)] a hearing is presumed to have been requested primarily for
36 delay if a registered support order is confirmed or enforced without change.

37 10–326.

38 (a) Participation by a plaintiff in a proceeding **UNDER THIS SUBTITLE**
39 before a responding tribunal, whether in person, by private attorney, or through

1 services provided by the support enforcement agency, does not confer personal
2 jurisdiction over the plaintiff in another proceeding.

3 10-328.

4 (a) The physical presence of [the plaintiff] **A NONRESIDENT PARTY WHO IS**
5 **AN INDIVIDUAL** in a [responding] tribunal of this State is not required for the
6 establishment, enforcement, or modification of a support order or the rendition of a
7 judgment determining parentage.

8 (b) [A verified complaint,] **AN** affidavit, **A** document substantially complying
9 with federally mandated forms, [and] **OR** a document incorporated by reference in any
10 of them, **WHICH WOULD** not **BE** excluded under the hearsay rule if given in person, is
11 admissible in evidence if given under [oath] **PENALTY OF PERJURY** by a party or
12 witness residing in another state.

13 (e) Documentary evidence transmitted from another state to a tribunal of
14 this State by telephone, telecopier, or other means that do not provide an original
15 [writing] **RECORD** may not be excluded from evidence on an objection based on the
16 means of transmission unless the documentary evidence is shown to vary in a
17 substantial or relevant manner from the original.

18 (f) In a proceeding under this subtitle, a tribunal of this State [may] **SHALL**
19 permit a party or witness residing in another state to be deposed or to testify by
20 telephone, audiovisual means, or other electronic means at a designated tribunal or
21 other location in that state. A tribunal of this State shall cooperate with tribunals of
22 other states in designating an appropriate location for the deposition or testimony.

23 (g) **IF A PARTY CALLED TO TESTIFY AT A CIVIL HEARING REFUSES TO**
24 **ANSWER ON THE GROUND THAT THE TESTIMONY MAY BE SELF-INCRIMINATING,**
25 **THE TRIER OF FACT MAY DRAW AN ADVERSE INFERENCE FROM THE REFUSAL.**

26 (H) Laws attaching a privilege against the disclosure of communications
27 between husband and wife do not apply to proceedings under this subtitle.

28 [(h)] (I) In proceedings under this subtitle, husband and wife are
29 competent witnesses and may be compelled to testify to any relevant matter, including
30 marriage and parentage.

31 (J) **A VOLUNTARY ACKNOWLEDGMENT OF PATERNITY, CERTIFIED AS A**
32 **TRUE COPY, IS ADMISSIBLE TO ESTABLISH PARENTAGE OF THE CHILD.**

33 10-329.

34 A tribunal of this State may communicate with a tribunal of another state **OR**
35 **FOREIGN COUNTRY OR POLITICAL SUBDIVISION** in [writing] **A RECORD**, or by

1 telephone or other means, to obtain information concerning the laws [of that state],
2 the legal effect of a judgment, decree, or order of that tribunal, and the status of a
3 proceeding in the other state **OR FOREIGN COUNTRY OR POLITICAL SUBDIVISION.**
4 A tribunal of this State may furnish similar information by similar means to a
5 tribunal of another state **OR FOREIGN COUNTRY OR POLITICAL SUBDIVISION.**

6 10-331.

7 (A) A support enforcement agency or tribunal of this State shall disburse
8 promptly any amounts received pursuant to a support order, as directed by the order.
9 The agency or tribunal shall furnish to a requesting party or tribunal of another state
10 a certified statement by the custodian of the record of the amounts and dates of all
11 payments received.

12 (B) **IF THE OBLIGOR, THE OBLIGEE WHO IS AN INDIVIDUAL, OR THE**
13 **CHILD DOES NOT RESIDE IN THIS STATE, ON REQUEST FROM THE SUPPORT**
14 **ENFORCEMENT AGENCY OF THIS STATE OR ANOTHER STATE, THE SUPPORT**
15 **ENFORCEMENT AGENCY OF THIS STATE OR A TRIBUNAL OF THIS STATE SHALL:**

16 (1) **DIRECT THAT THE SUPPORT PAYMENT BE MADE TO THE**
17 **SUPPORT ENFORCEMENT AGENCY IN THE STATE IN WHICH THE OBLIGEE IS**
18 **RECEIVING SERVICES; AND**

19 (2) **ISSUE AND SEND TO THE OBLIGOR'S EMPLOYER A**
20 **CONFORMING INCOME-WITHHOLDING ORDER OR AN ADMINISTRATIVE NOTICE**
21 **OF CHANGE OF PAYEE, REFLECTING THE REDIRECTED PAYMENTS.**

22 (C) **THE SUPPORT ENFORCEMENT AGENCY OF THIS STATE RECEIVING**
23 **REDIRECTED PAYMENTS FROM ANOTHER STATE PURSUANT TO A LAW SIMILAR**
24 **TO SUBSECTION (B) OF THIS SECTION SHALL FURNISH TO A REQUESTING PARTY**
25 **OR TRIBUNAL OF THE OTHER STATE A CERTIFIED STATEMENT BY THE**
26 **CUSTODIAN OF THE RECORD OF THE AMOUNT AND DATES OF ALL PAYMENTS**
27 **RECEIVED.**

28 10-332.

29 (a) If a support order entitled to recognition under this subtitle has not been
30 issued, a responding tribunal of this State may issue a support order if:

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

32 (2) the support enforcement agency seeking the order is located in
33 another state.

34 (b) The tribunal may issue a temporary child support order if[:

1 (1) the defendant has signed a verified statement acknowledging
2 parentage;

3 (2) the defendant has been determined by or pursuant to law to be the
4 parent; or

5 (3) there is other clear and convincing evidence that the defendant is
6 the child's parent.] **THE TRIBUNAL DETERMINES THAT SUCH AN ORDER IS**
7 **APPROPRIATE AND THE INDIVIDUAL ORDERED TO PAY IS:**

8 (1) **A PRESUMED FATHER OF THE CHILD;**

9 (2) **PETITIONING TO HAVE HIS PATERNITY ADJUDICATED;**

10 (3) **IDENTIFIED AS THE FATHER OF THE CHILD THROUGH**
11 **GENETIC TESTING;**

12 (4) **AN ALLEGED FATHER WHO HAS DECLINED TO SUBMIT TO**
13 **GENETIC TESTING;**

14 (5) **SHOWN BY CLEAR AND CONVINCING EVIDENCE TO BE THE**
15 **FATHER OF THE CHILD;**

16 (6) **AN ACKNOWLEDGED FATHER AS PROVIDED BY § 5-306(A)(6)**
17 **OF THIS ARTICLE;**

18 (7) **THE MOTHER OF THE CHILD; OR**

19 (8) **AN INDIVIDUAL WHO HAS BEEN ORDERED TO PAY CHILD**
20 **SUPPORT IN A PREVIOUS PROCEEDING AND THE ORDER HAS NOT BEEN**
21 **REVERSED OR VACATED.**

22 (c) Upon finding, after notice and opportunity to be heard, that an obligor
23 owes a duty of support, the tribunal shall issue a support order directed to the obligor
24 and may issue other orders pursuant to § 10-317 of this subtitle [(Duties and powers
25 of responding tribunal)].

26 10-333.

27 An income withholding order issued in another state may be sent **BY OR ON**
28 **BEHALF OF THE OBLIGEE, OR BY THE SUPPORT ENFORCEMENT AGENCY**, to the
29 person [or entity] defined as the obligor's employer under Subtitle 1 of this title
30 without first filing a request for service of the order or comparable pleading or
31 registering the order with a tribunal of this State.

1 10-334.

2 (c) Except as otherwise provided in subsection (d) of this section and §
3 10-335 of this subtitle, the employer shall withhold and distribute the funds as
4 directed in the withholding order by complying with terms of the order which specify:

5 (2) the person [or agency] designated to receive payment and the
6 address to which the payments are to be forwarded;

7 10-335.

8 If the obligor's employer receives [multiple] **TWO OR MORE** orders to withhold
9 support from the earnings of the same obligor, the employer shall be deemed to have
10 satisfied the terms of the [multiple] orders if the law of the state of the obligor's
11 principal place of employment to establish the priorities for withholding and allocating
12 income withheld for [multiple] **TWO OR MORE** child support obligees is complied with.

13 10-338.

14 (a) An obligor may contest the validity or enforcement of an income
15 withholding order issued in another state and received directly by an employer in this
16 State **BY REGISTERING THE ORDER IN A TRIBUNAL OF THIS STATE AND FILING A**
17 **CONTEST TO THAT ORDER AS PROVIDED IN PART VI OF THIS SUBTITLE, OR**
18 **OTHERWISE CONTESTING THE ORDER** in the same manner as if the order had been
19 issued by a tribunal of this State. [Section 10-343 of this subtitle (Choice of law)
20 applies to the contest.]

21 (b) The obligor shall give notice of the contest to:

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

23 (2) each employer that has directly received an income withholding
24 order **RELATING TO THE OBLIGOR**; and

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

27 10-339.

28 (a) A party **OR SUPPORT ENFORCEMENT AGENCY** seeking to enforce a
29 support order or an income withholding order, or both, issued by a tribunal of another
30 state may send the documents required for registering the order to a support
31 enforcement agency of this State.

32 Part VI. **REGISTRATION, [Enforcement] ENFORCEMENT, and Modification of**
33 **Support Order [after Registration].**

1 10-340.

2 A support order or [an] income withholding order issued by a tribunal of
3 another state may be registered in this State for enforcement.

4 10-341.

5 (a) A support order or income withholding order of another state may be
6 registered in this State by sending the following [documents] **RECORDS** and
7 information to the appropriate tribunal in this State:

8 (1) a letter of transmittal to the tribunal requesting registration and
9 enforcement;

10 (2) two copies, including one certified copy, of [all orders] **THE ORDER**
11 to be registered, including any modification of [an] **THE** order;

12 (3) a sworn statement by the [party seeking] **PERSON REQUESTING**
13 registration or a certified statement by the custodian of the records showing the
14 amount of any arrearage;

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

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

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

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

21 (5) **EXCEPT AS PROVIDED IN § 10-324**, the name and address of the
22 obligee and, if applicable, the [agency or] person to whom support payments are to be
23 remitted.

24 **(D) IF TWO OR MORE ORDERS ARE IN EFFECT, THE PERSON**
25 **REQUESTING REGISTRATION SHALL:**

26 **(1) FURNISH TO THE TRIBUNAL A COPY OF EVERY SUPPORT**
27 **ORDER ASSERTED TO BE IN EFFECT IN ADDITION TO THE DOCUMENTS**
28 **SPECIFIED IN THIS SECTION;**

29 **(2) SPECIFY THE ORDER ALLEGED TO BE THE CONTROLLING**
30 **ORDER, IF ANY; AND**

1 **(3) SPECIFY THE AMOUNT OF CONSOLIDATED ARREARS, IF ANY.**

2 **(E) A REQUEST FOR A DETERMINATION OF WHICH IS THE**
3 **CONTROLLING ORDER MAY BE FILED SEPARATELY OR WITH A REQUEST FOR**
4 **REGISTRATION AND ENFORCEMENT OR FOR REGISTRATION AND MODIFICATION.**
5 **THE PERSON REQUESTING REGISTRATION SHALL GIVE NOTICE OF THE**
6 **REQUEST TO EACH PARTY WHOSE RIGHTS MAY BE AFFECTED BY THE**
7 **DETERMINATION.**

8 10-343.

9 **(a) [The] EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (D) OF**
10 **THIS SECTION, THE law of the issuing state governs:**

11 **(1) the nature, extent, amount, and duration of current payments [and**
12 **other obligations of support and] UNDER A REGISTERED SUPPORT ORDER;**

13 **(2) the COMPUTATION AND payment of arrearages AND ACCRUAL**
14 **OF INTEREST ON THE ARREARAGES under the SUPPORT order; AND**

15 **(3) THE EXISTENCE AND SATISFACTION OF OTHER OBLIGATIONS**
16 **UNDER THE SUPPORT ORDER.**

17 **(b) In a proceeding for [arrearages] ARREARS UNDER A REGISTERED**
18 **SUPPORT ORDER, the statute of limitation [under the laws] of this State or of the**
19 **issuing state, whichever is longer, applies.**

20 **(C) A RESPONDING TRIBUNAL OF THIS STATE SHALL APPLY THE**
21 **PROCEDURES AND REMEDIES OF THIS STATE TO ENFORCE CURRENT SUPPORT**
22 **AND COLLECT ARREARS AND INTEREST DUE ON A SUPPORT ORDER OF ANOTHER**
23 **STATE REGISTERED IN THIS STATE.**

24 **(D) AFTER A TRIBUNAL OF THIS OR ANOTHER STATE DETERMINES**
25 **WHICH IS THE CONTROLLING ORDER AND ISSUES AN ORDER CONSOLIDATING**
26 **ARREARS, IF ANY, A TRIBUNAL OF THIS STATE SHALL PROSPECTIVELY APPLY**
27 **THE LAW OF THE STATE ISSUING THE CONTROLLING ORDER, INCLUDING ITS**
28 **LAW ON INTEREST ON ARREARS, ON CURRENT AND FUTURE SUPPORT, AND ON**
29 **CONSOLIDATED ARREARS.**

30 10-344.

31 **(a) When a support order or income withholding order issued in another**
32 **state is registered, the registering tribunal shall notify the nonregistering party.**
33 **Notice must be given by first-class, certified, or registered mail or by any means of**
34 **personal service authorized by the law of this State. The notice must be accompanied**

1 by a copy of the registered order and the documents and relevant information
2 accompanying the order.

3 (b) [The] **A** notice must inform the nonregistering party:

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

6 (2) that a hearing to contest the validity or enforcement of the
7 registered order must be requested within 20 days after the date of mailing or
8 personal service of the notice;

9 (3) that failure to contest the validity or enforcement of the registered
10 order in a timely manner will result in confirmation of the order and enforcement of
11 the order and the alleged arrearages and precludes further contest of that order with
12 respect to any matter that could have been asserted; and

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

14 (c) **IF THE REGISTERING PARTY ASSERTS THAT TWO OR MORE ORDERS**
15 **ARE IN EFFECT, A NOTICE MUST ALSO:**

16 (1) **IDENTIFY THE TWO OR MORE ORDERS AND THE ORDER**
17 **ALLEGED BY THE REGISTERING PERSON TO BE THE CONTROLLING ORDER AND**
18 **THE CONSOLIDATED ARREARS, IF ANY;**

19 (2) **NOTIFY THE NONREGISTERING PARTY OF THE RIGHT TO A**
20 **DETERMINATION OF WHICH IS THE CONTROLLING ORDER;**

21 (3) **STATE THAT THE PROCEDURES PROVIDED IN SUBSECTION (B)**
22 **OF THIS SECTION APPLY TO THE DETERMINATION OF WHICH IS THE**
23 **CONTROLLING ORDER; AND**

24 (4) **STATE THAT FAILURE TO CONTEST THE VALIDITY OR**
25 **ENFORCEMENT OF THE ORDER ALLEGED TO BE THE CONTROLLING ORDER IN A**
26 **TIMELY MANNER MAY RESULT IN CONFIRMATION THAT THE ORDER IS THE**
27 **CONTROLLING ORDER.**

28 (D) Upon registration of an income withholding order for enforcement, the
29 registering tribunal shall notify the obligor's employer pursuant to Subtitle 1 of this
30 title.

31 10-345.

32 (a) A nonregistering party seeking to contest the validity or enforcement of a
33 registered order in this State shall request a hearing within 20 days after the date of

1 mailing or personal service of notice of the registration. The nonregistering party may
2 seek to vacate the registration, to assert any defense to an allegation of noncompliance
3 with the registered order, or to contest the remedies being sought or the amount of any
4 alleged arrearages pursuant to § 10-346 of this subtitle [(Contest of registration or
5 enforcement)].

6 10-346.

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

10 (1) the issuing tribunal lacked personal jurisdiction over the
11 contesting party;

12 (2) the order was obtained by fraud;

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

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

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

17 (6) full or partial payment has been made; [or]

18 (7) the statute of limitation under § 10-343 of this subtitle [(Choice of
19 law)] precludes enforcement of some or all of the **ALLEGED** arrearages; **OR**

20 **(8) THE ALLEGED CONTROLLING ORDER IS NOT THE**
21 **CONTROLLING ORDER.**

22 10-349.

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

28 10-350.

29 (a) [After] **IF § 10-352 DOES NOT APPLY, EXCEPT AS OTHERWISE**
30 **PROVIDED IN § 10-353.1 OF THIS SUBTITLE, ON THE FILING OF A COMPLAINT, A**
31 **TRIBUNAL OF THIS STATE MAY MODIFY** a child support order issued in another
32 state [has been] **THAT IS** registered in this State[, the responding tribunal of this

1 State may modify that order only if § 10–352 of this subtitle does not apply and] **IF**,
2 after notice and hearing, [it] **THE TRIBUNAL** finds that:

3 (1) the following requirements are met:

4 (i) **NEITHER** the child, **NOR** the [individual] obligee **WHO IS AN**
5 **INDIVIDUAL**, [and] **NOR** the obligor [do not reside] **RESIDES** in the issuing state;

6 (ii) a plaintiff who is a nonresident of this State seeks
7 modification; and

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

10 (2) **THIS STATE IS THE STATE OF RESIDENCE OF** the child or a
11 party who is an individual is subject to the personal jurisdiction of the tribunal of this
12 State and all of the parties who are individuals have filed [written] consents **IN A**
13 **RECORD** in the issuing tribunal for a tribunal of this State to modify the support order
14 and assume continuing, exclusive jurisdiction [over the order. However, if the issuing
15 state is a foreign jurisdiction that has not enacted a law or established procedures
16 substantially similar to the procedures under this subtitle, the consent otherwise
17 required of an individual residing in this State is not required for the tribunal to
18 assume jurisdiction to modify the child support order].

19 (b) Modification of a registered child support order is subject to the same
20 requirements, procedures, and defenses that apply to the modification of an order
21 issued by a tribunal of this State, and the order may be enforced and satisfied in the
22 same manner.

23 (c) **[A] EXCEPT AS OTHERWISE PROVIDED IN § 10–353.1 OF THIS**
24 **SUBTITLE**, A tribunal of this State may not modify any provision of a child support
25 order that may not be modified under the law of the issuing state, **INCLUDING THE**
26 **DURATION OF THE OBLIGATION OF SUPPORT**. If two or more tribunals have issued
27 child support orders for the same obligor and **SAME** child, the order that controls and
28 must be so recognized under the provisions of § 10–310 of this subtitle establishes the
29 provisions of the support order which are nonmodifiable.

30 (d) **IN A PROCEEDING TO MODIFY A CHILD SUPPORT ORDER, THE LAW**
31 **OF THE STATE THAT IS DETERMINED TO HAVE ISSUED THE INITIAL**
32 **CONTROLLING ORDER GOVERNS THE DURATION OF THE OBLIGATION OF**
33 **SUPPORT. THE OBLIGOR’S FULFILLMENT OF THE DUTY OF SUPPORT**
34 **ESTABLISHED BY THAT ORDER PRECLUDES IMPOSITION OF A FURTHER**
35 **OBLIGATION OF SUPPORT BY A TRIBUNAL OF THIS STATE.**

1 (E) On issuance of an order **BY A TRIBUNAL OF THIS STATE** modifying a
2 child support order issued in another state, [a] **THE** tribunal of this State becomes the
3 tribunal of continuing, exclusive jurisdiction.

4 10-351.

5 [A] **IF A CHILD SUPPORT ORDER ISSUED BY A** tribunal of this State [shall
6 recognize a modification of its earlier child support order] **IS MODIFIED** by a tribunal
7 of another state which assumed jurisdiction pursuant to this subtitle [or a law
8 substantially similar to this subtitle and, upon request, except as otherwise provided
9 in this subtitle, shall], **A TRIBUNAL OF THIS STATE:**

10 (1) **MAY** enforce [the] **ITS** order that was modified only as to
11 [amounts] **ARREARS AND INTEREST** accruing before the modification;

12 (2) [enforce only nonmodifiable aspects of that order;

13 (3)] **MAY** provide [other] appropriate relief [only] for violations of
14 [that] **ITS** order which occurred before the effective date of the modification; and

15 [(4)] (3) **SHALL** recognize the modifying order of the other state,
16 upon registration, for the purpose of enforcement.

17 **10-353.1.**

18 (A) **IF A FOREIGN COUNTRY OR POLITICAL SUBDIVISION THAT IS A**
19 **STATE DOES NOT OR MAY NOT MODIFY ITS ORDER PURSUANT TO ITS LAWS, A**
20 **TRIBUNAL OF THIS STATE MAY ASSUME JURISDICTION TO MODIFY THE CHILD**
21 **SUPPORT ORDER AND BIND ALL INDIVIDUALS SUBJECT TO THE PERSONAL**
22 **JURISDICTION OF THE TRIBUNAL WHETHER OR NOT THE CONSENT TO**
23 **MODIFICATION OF A CHILD SUPPORT ORDER OTHERWISE REQUIRED OF THE**
24 **INDIVIDUAL IN ACCORDANCE WITH § 10-350 OF THIS SUBTITLE HAS BEEN**
25 **GIVEN OR WHETHER THE INDIVIDUAL SEEKING MODIFICATION IS A RESIDENT**
26 **OF THIS STATE OR OF THE FOREIGN COUNTRY OR POLITICAL SUBDIVISION.**

27 (B) **AN ORDER ISSUED PURSUANT TO THIS SECTION IS THE**
28 **CONTROLLING ORDER.**

29 10-354.

30 [(a)] A [tribunal] **COURT** of this State **AUTHORIZED TO DETERMINE**
31 **PARENTAGE OF A CHILD** may serve as [an initiating or] A responding tribunal in a
32 proceeding **TO DETERMINE PARENTAGE** brought under this subtitle or a law or
33 procedure substantially similar to this subtitle[, the Uniform Reciprocal Enforcement
34 of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act to

1 determine that the plaintiff is a parent of a particular child or to determine that a
2 defendant is a parent of that child.

3 (b) In a proceeding to determine parentage, a responding tribunal of this
4 State shall apply the procedural and substantive law of this State and the rules of this
5 State on choice of law].

6 10-356.

7 (a) Before making A demand that the governor of another state surrender an
8 individual charged criminally in this State with having failed to provide for the
9 support of an obligee, the Governor of this State may require a prosecutor of this State
10 to demonstrate that at least 60 days previously the obligee had initiated proceedings
11 for support pursuant to this subtitle or that the proceeding would be of no avail.

12 (b) If, under this subtitle or a law substantially similar to this subtitle, [the
13 Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal
14 Enforcement of Support Act,] the governor of another state makes a demand that the
15 Governor of this State surrender an individual charged criminally in that state with
16 having failed to provide for the support of a child or other individual to whom a duty of
17 support is owed, the Governor may require a prosecutor to investigate the demand and
18 report whether a proceeding for support has been initiated or would be effective. If it
19 appears that a proceeding would be effective but has not been initiated, the Governor
20 may delay honoring the demand for a reasonable time to permit the initiation of a
21 proceeding.

22 10-357.

23 [This subtitle shall be applied and construed to effectuate its general purpose to
24 make uniform] **IN APPLYING AND CONSTRUING THIS SUBTITLE, CONSIDERATION**
25 **SHALL BE GIVEN TO THE NEED TO PROMOTE UNIFORMITY OF** the law with respect
26 to [the] **ITS** subject [of this subtitle] **MATTER** among states [enacting it] **THAT ENACT**
27 **IT.**

28 10-359.

29 This subtitle may be cited as the Maryland Uniform Interstate Family Support
30 Act.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2008.