

HOUSE BILL 1289

D4

5lr3087

By: **Delegate Dumais**

Rules suspended

Introduced and read first time: March 23, 2015

Assigned to: Rules and Executive Nominations

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 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
24 Child Support Enforcement Administration to perform certain functions under the
25 Convention; establishing that certain support proceedings are available to certain
26 parties under the Convention; prohibiting the requirement of a security, bond, or
27 deposit to guarantee the payment of certain costs and expenses under the
28 Convention; establishing that a party may make certain direct requests regarding
29 certain support orders or the parentage of a child in the State under the Convention;
30 establishing the application of State law in certain proceedings; requiring prompt

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

25 BY renumbering

26 Article – Family Law

27 Section 10–355 through 10–359, respectively

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

29 Annotated Code of Maryland

30 (2012 Replacement Volume and 2014 Supplement)

31 BY repealing and reenacting, with amendments,

32 Article – Family Law

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

34 10–309(a), 10–310(a) through (c), 10–311, 10–312, 10–312.1, 10–312.2(b),

35 10–313(b), 10–316(b), 10–317(b)(1) and (8), 10–318, 10–319(a) and (b)(1),

36 10–320(b), 10–322(b)(3), 10–323(a), 10–325(b), 10–328(a), (b), and (d) through

37 (f), 10–329, 10–330, 10–331(a); 10–332(a) to be under the amended part “Part

38 IV. Establishment of Support Order or Determination of Parentage”; 10–335

39 through 10–337 to be under the amended part “Part V. Enforcement of

40 Support Order Without Registration”; 10–339(a), 10–340, 10–341(a) and (b),

41 10–342, 10–343, 10–344(a), (b)(2), (c)(1), and (d), 10–345(a) and (b),

42 10–346, 10–347; 10–348 to be under the amended subpart “Subpart C.

43 Registration and Modification of Child Support Order of Another State”;

44 10–349, 10–350(a) and (c); and 10–353.1 to be under the new subpart “Subpart

45 D. Registration and Modification of Foreign Child Support Order”

1 Annotated Code of Maryland
2 (2012 Replacement Volume and 2014 Supplement)

3 BY adding to
4 Article – Family Law
5 Section 10–303.1, 10–332.1, 10–350(f), 10–353.2, and 10–354 through 10–366 to be
6 under the amended part “Part VII. Support Proceeding Under Convention”
7 Annotated Code of Maryland
8 (2012 Replacement Volume and 2014 Supplement)

9 BY repealing
10 Article – Family Law
11 Section 10–354
12 Annotated Code of Maryland
13 (2012 Replacement Volume and 2014 Supplement)

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

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

20 **Article – Family Law**

21 10–301.

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

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

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

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

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

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

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

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

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

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

13 **(G) “FOREIGN SUPPORT ORDER” MEANS A SUPPORT ORDER OF A FOREIGN**
14 **TRIBUNAL.**

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

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

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

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

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

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

4 [(i) (L) “Initiating tribunal” means the [authorized] tribunal [in an initiating
5 state] **OF A STATE OR FOREIGN COUNTRY FROM WHICH A COMPLAINT OR**
6 **COMPARABLE PLEADING IS FORWARDED OR IN WHICH A COMPLAINT OR**
7 **COMPARABLE PLEADING IS FILED FOR FORWARDING TO ANOTHER STATE OR**
8 **FOREIGN COUNTRY.**

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

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

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

17 [(l) (P) “Law” includes decisional and statutory law and rules and regulations
18 having the force of law.

19 [(m) (Q) “Obligee” means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 (2) “State” includes[:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 10–302.

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

7 **(B) THE CHILD SUPPORT ENFORCEMENT ADMINISTRATION IS THE**
8 **SUPPORT ENFORCEMENT AGENCY OF THIS STATE.**

9 10–303.

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

13 **10–303.1.**

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

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

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

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

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

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

28 10–304.

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

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

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

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

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

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

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

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

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

23 10–306.

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

27 10–307.

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

31 (1) the complaint or comparable pleading in this State is filed before the
32 expiration of the time allowed in the other state **OR FOREIGN COUNTRY** for filing a

1 responsive pleading challenging the exercise of jurisdiction by the other state **OR FOREIGN**
2 **COUNTRY**;

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

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

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

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

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

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

16 10–308.

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

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

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

27 (c) If a tribunal of another state has issued a child support order pursuant to [this
28 subtitle] **THE UNIFORM INTERSTATE FAMILY SUPPORT ACT** or a law substantially
29 similar to [this subtitle] **THAT ACT** that modifies a child support order of a tribunal of this
30 State, tribunals of this State shall recognize the continuing, exclusive jurisdiction of the
31 tribunal of the other state.

32 10–309.

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

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

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

10 10-310.

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

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

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

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

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

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

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

29 (c) If two or more child support orders have been issued for the same obligor and
30 same child, on request of a party who is an individual or **THAT IS A** support enforcement
31 agency, a tribunal of this State having personal jurisdiction over both the obligor and the
32 obligee who is an individual shall determine which order controls under subsection (b) of
33 this section. The request may be filed with a registration for enforcement or registration
34 for modification pursuant to Part VI of this subtitle, or may be filed as a separate
35 proceeding.

1 10-311.

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

7 10-312.

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

12 10-312.1.

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

22 10-312.2.

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

27 10-313.

28 (b) An individual or a support enforcement agency may initiate a proceeding
29 authorized under this subtitle by filing a complaint in an initiating tribunal for forwarding
30 to a responding tribunal or by filing a complaint or a comparable pleading directly in a
31 tribunal of another state **OR FOREIGN COUNTRY** which has or can obtain personal
32 jurisdiction over the defendant.

33 10-316.

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

8 10-317.

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

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

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

16 10-318.

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

21 10-319.

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

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

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

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

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

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

4 10–320.

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

8 10–322.

9 (b) The State information agency shall:

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

15 10–323.

16 (a) In a proceeding under this subtitle, a plaintiff seeking to establish a support
17 order, to determine parentage **OF A CHILD**, or to register and modify a support order of **A**
18 **TRIBUNAL OF** another state **OR A FOREIGN COUNTRY** must file a complaint. Unless
19 otherwise ordered under § 10–324 of this subtitle, the complaint or accompanying
20 documents must provide, so far as known, the name, residential address, and Social
21 Security numbers of the obligor and the obligee or the parent and alleged parent, and the
22 name, sex, residential address, Social Security number, and date of birth of each child for
23 whose benefit support is sought or whose parentage is to be determined. Unless filed at the
24 time of registration, the complaint must be accompanied by a copy of any support order
25 known to have been issued by another tribunal. The complaint may include any other
26 information that may assist in locating or identifying the defendant.

27 10–325.

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

36 10–328.

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

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

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

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

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

21 10-329.

22 A tribunal of this State may communicate with a tribunal [of another state or foreign
23 country or political subdivision] **OUTSIDE THIS STATE** in a record, or by telephone,
24 **ELECTRONIC MAIL**, or other means, to obtain information concerning the laws, the legal
25 effect of a judgment, decree, or order of that tribunal, and the status of a proceeding [in the
26 other state or foreign country or political subdivision]. A tribunal of this State may furnish
27 similar information by similar means to a tribunal [of another state or foreign country or
28 political subdivision] **OUTSIDE THIS STATE**.

29 10-330.

30 A tribunal of this State may:

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

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

4 10-331.

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

10 Part IV. Establishment of Support Order OR DETERMINATION OF PARENTAGE.

11 10-332.

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

15 (1) the individual seeking the order resides [in another state] OUTSIDE
16 THIS STATE; or

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

19 10-332.1.

20 A TRIBUNAL OF THIS STATE AUTHORIZED TO DETERMINE PARENTAGE OF A
21 CHILD MAY SERVE AS A RESPONDING TRIBUNAL IN A PROCEEDING TO DETERMINE
22 PARENTAGE OF A CHILD BROUGHT UNDER THIS SUBTITLE OR A LAW OR PROCEDURE
23 SUBSTANTIALLY SIMILAR TO THIS SUBTITLE.

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

25 10-335.

26 If [the] AN obligor's employer receives two or more [orders to withhold support from]
27 INCOME WITHHOLDING ORDERS WITH RESPECT TO the earnings of the same obligor,
28 the employer [shall be deemed to have satisfied] SATISFIES the terms of the orders if the
29 [law of the state of the obligor's principal place of employment to establish the priorities for
30 withholding and allocating income withheld for two or more child support obligees is
31 complied with] EMPLOYER COMPLIES WITH THE LAW OF THE STATE OF THE
32 OBLIGOR'S PRINCIPAL PLACE OF EMPLOYMENT TO ESTABLISH THE PRIORITIES FOR

1 **WITHHOLDING AND ALLOCATING INCOME WITHHELD FOR TWO OR MORE CHILD**
2 **SUPPORT OBLIGEES.**

3 10-336.

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

8 10-337.

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

12 10-339.

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

17 10-340.

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

20 10-341.

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

25 (1) a letter of transmittal to the tribunal requesting registration and
26 enforcement;

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

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

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

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

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

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

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

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

12 10–342.

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

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

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

22 10–343.

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

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

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

29 (3) the existence and satisfaction of other obligations under the support
30 order.

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

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

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

12 10-344.

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

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

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

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

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

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

30 10-345.

31 (a) A nonregistering party seeking to contest the validity or enforcement of a
32 registered order in this State shall request a hearing within **[20 days after the date of**
33 **mailing or personal service of notice of the registration] THE TIME REQUIRED BY §**
34 **10-344 OF THIS SUBTITLE.** The nonregistering party may seek to vacate the registration,
35 to assert any defense to an allegation of noncompliance with the registered order, or to

1 contest the remedies being sought or the amount of any alleged arrearages pursuant to §
2 10–346 of this subtitle.

3 (b) If the nonregistering party fails to contest the validity or enforcement of the
4 registered **SUPPORT** order in a timely manner, the order is confirmed by operation of law.
5 10–346.

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

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

11 (2) the order was obtained by fraud;

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

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

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

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

16 (7) the statute of limitation under § 10–343 of this subtitle precludes
17 enforcement of some or all of the alleged arrearages; or

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

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

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

27 10–347.

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

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

2 10-348.

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

9 10-349.

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

14 10-350.

15 (a) If § 10-352 of this subtitle does not apply, [except as otherwise provided in §
16 10-353.1 of this subtitle,] on the filing of a complaint, a tribunal of this State may modify
17 a child support order issued in another state that is registered in this State if, after notice
18 and hearing, the tribunal finds that:

19 (1) the following requirements are met:

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

22 (ii) a plaintiff who is a nonresident of this State seeks modification;
23 and

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

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

31 (c) [Except as otherwise provided in § 10-353.1 of this subtitle, a] **A** tribunal of
32 this State may not modify any provision of a child support order that may not be modified
33 under the law of the issuing state, including the duration of the obligation of support. If
34 two or more tribunals have issued child support orders for the same obligor and same child,

1 the order that controls and must be so recognized under the provisions of § 10–310 of this
2 subtitle establishes the provisions of the support order which are nonmodifiable.

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

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

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

8 **SUBPART D. REGISTRATION AND MODIFICATION OF FOREIGN CHILD SUPPORT**
9 **ORDER.**

10 10–353.1.

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

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

22 **10–353.2.**

23 **(A) A PARTY OR SUPPORT ENFORCEMENT AGENCY SEEKING TO MODIFY, OR**
24 **TO MODIFY AND ENFORCE, A FOREIGN CHILD SUPPORT ORDER NOT UNDER THE**
25 **CONVENTION MAY REGISTER THAT ORDER IN THIS STATE UNDER §§ 10–340**
26 **THROUGH 10–347 OF THIS SUBTITLE IF THE ORDER HAS NOT BEEN REGISTERED. A**
27 **COMPLAINT FOR MODIFICATION MAY BE FILED AT THE SAME TIME AS A REQUEST**
28 **FOR REGISTRATION, OR AT ANOTHER TIME.**

29 **(B) THE COMPLAINT SHALL SPECIFY THE GROUNDS FOR MODIFICATION.**

30 **Part VII. [Determination of Parentage.] SUPPORT PROCEEDING UNDER**
31 **CONVENTION.**

32 [10–354.

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

4 **10-354.**

5 (A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS
6 INDICATED.

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

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

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

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

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

22 (G) "FOREIGN SUPPORT AGREEMENT":

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

24 (I) IS ENFORCEABLE AS A SUPPORT ORDER IN THE COUNTRY OF
25 ORIGIN;

26 (II) HAS BEEN:

27 1. FORMALLY DRAWN UP OR REGISTERED AS AN
28 AUTHENTIC INSTRUMENT BY A FOREIGN TRIBUNAL; OR

29 2. AUTHENTICATED BY, OR CONCLUDED, REGISTERED,
30 OR FILED WITH A FOREIGN TRIBUNAL; AND

1 (III) MAY BE REVIEWED AND MODIFIED BY A FOREIGN TRIBUNAL;
2 AND

3 (2) INCLUDES A MAINTENANCE ARRANGEMENT OR AUTHENTIC
4 INSTRUMENT UNDER THE CONVENTION.

5 (H) "UNITED STATES CENTRAL AUTHORITY" MEANS THE SECRETARY OF
6 THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES.

7 10-355.

8 (A) THIS PART APPLIES ONLY TO A SUPPORT PROCEEDING UNDER THE
9 CONVENTION.

10 (B) IN A SUPPORT PROCEEDING UNDER THE CONVENTION, IF A PROVISION
11 OF THIS PART IS INCONSISTENT WITH PARTS I THROUGH VI OF THIS SUBTITLE, THIS
12 PART CONTROLS.

13 10-356.

14 THE CHILD SUPPORT ENFORCEMENT ADMINISTRATION OF THIS STATE IS
15 RECOGNIZED AS THE AGENCY DESIGNATED BY THE UNITED STATES CENTRAL
16 AUTHORITY TO PERFORM SPECIFIC FUNCTIONS UNDER THE CONVENTION.

17 10-357.

18 (A) IN A SUPPORT PROCEEDING UNDER THIS PART, THE CHILD SUPPORT
19 ENFORCEMENT ADMINISTRATION OF THIS STATE SHALL:

20 (1) TRANSMIT AND RECEIVE APPLICATIONS; AND

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

23 (B) THE FOLLOWING SUPPORT PROCEEDINGS ARE AVAILABLE TO AN
24 OBLIGEE UNDER THE CONVENTION:

25 (1) RECOGNITION OR RECOGNITION AND ENFORCEMENT OF A
26 FOREIGN SUPPORT ORDER;

27 (2) ENFORCEMENT OF A SUPPORT ORDER ISSUED OR RECOGNIZED IN
28 THIS STATE;

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

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

6 **(5) MODIFICATION OF A SUPPORT ORDER OF A TRIBUNAL OF THIS**
7 **STATE; AND**

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

10 **(C) THE FOLLOWING SUPPORT PROCEEDINGS ARE AVAILABLE UNDER THE**
11 **CONVENTION TO AN OBLIGOR AGAINST WHICH THERE IS AN EXISTING SUPPORT**
12 **ORDER:**

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

15 **(2) MODIFICATION OF A SUPPORT ORDER OF A TRIBUNAL OF THIS**
16 **STATE; AND**

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

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

22 **10-358.**

23 **(A) A PLAINTIFF MAY FILE A DIRECT REQUEST SEEKING ESTABLISHMENT**
24 **OR MODIFICATION OF A SUPPORT ORDER OR DETERMINATION OF PARENTAGE OF A**
25 **CHILD. IN THE PROCEEDING, THE LAW OF THIS STATE APPLIES.**

26 **(B) A PLAINTIFF MAY FILE A DIRECT REQUEST SEEKING RECOGNITION AND**
27 **ENFORCEMENT OF A SUPPORT ORDER OR SUPPORT AGREEMENT. IN THE**
28 **PROCEEDING, §§ 10-359 THROUGH 10-365 OF THIS SUBTITLE APPLY.**

29 **(C) IN A DIRECT REQUEST FOR RECOGNITION AND ENFORCEMENT OF A**
30 **CONVENTION SUPPORT ORDER OR FOREIGN SUPPORT AGREEMENT:**

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

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

7 **(D) A PLAINTIFF FILING A DIRECT REQUEST IS NOT ENTITLED TO**
8 **ASSISTANCE FROM THE ADMINISTRATION.**

9 **(E) THIS PART DOES NOT PREVENT THE APPLICATION OF LAWS OF THIS**
10 **STATE THAT PROVIDE SIMPLIFIED, MORE EXPEDITIOUS RULES REGARDING A**
11 **DIRECT REQUEST FOR RECOGNITION AND ENFORCEMENT OF A FOREIGN SUPPORT**
12 **ORDER OR FOREIGN SUPPORT AGREEMENT.**

13 **10-359.**

14 **(A) EXCEPT AS OTHERWISE PROVIDED IN THIS PART, A PARTY WHO IS AN**
15 **INDIVIDUAL OR A SUPPORT ENFORCEMENT AGENCY SEEKING RECOGNITION OF A**
16 **CONVENTION SUPPORT ORDER SHALL REGISTER THE ORDER IN THIS STATE AS**
17 **PROVIDED IN PART VI OF THIS SUBTITLE.**

18 **(B) NOTWITHSTANDING §§ 10-323 AND 10-341(A) OF THIS SUBTITLE, A**
19 **REQUEST FOR REGISTRATION OF A CONVENTION SUPPORT ORDER SHALL BE**
20 **ACCOMPANIED BY:**

21 **(1) THE COMPLETE TEXT OF THE SUPPORT ORDER;**

22 **(2) A RECORD STATING THAT THE SUPPORT ORDER IS ENFORCEABLE**
23 **IN THE ISSUING COUNTRY;**

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

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

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

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

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

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

13 **(E) THE TRIBUNAL SHALL PROMPTLY NOTIFY THE PARTIES OF THE**
14 **REGISTRATION OR THE ORDER VACATING THE REGISTRATION OF A CONVENTION**
15 **SUPPORT ORDER.**

16 **10-360.**

17 **(A) EXCEPT AS OTHERWISE PROVIDED IN THIS PART, §§ 10-344 THROUGH**
18 **10-347 OF THIS SUBTITLE APPLY TO A CONTEST OF A REGISTERED CONVENTION**
19 **SUPPORT ORDER.**

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

25 **(C) IF THE NONREGISTERING PARTY FAILS TO CONTEST THE REGISTERED**
26 **CONVENTION SUPPORT ORDER BY THE TIME SPECIFIED IN SUBSECTION (B) OF THIS**
27 **SECTION, THE ORDER IS ENFORCEABLE.**

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

30 **(2) THE CONTESTING PARTY BEARS THE BURDEN OF PROOF.**

31 **(E) IN A CONTEST OF A REGISTERED CONVENTION SUPPORT ORDER, A**
32 **TRIBUNAL OF THIS STATE:**

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

3 **(2) MAY NOT REVIEW THE MERITS OF THE ORDER.**

4 **(F) A TRIBUNAL OF THIS STATE DECIDING A CONTEST OF A REGISTERED**
5 **CONVENTION SUPPORT ORDER SHALL PROMPTLY NOTIFY THE PARTIES OF ITS**
6 **DECISION.**

7 **(G) A CHALLENGE OR APPEAL, IF ANY, DOES NOT STAY THE ENFORCEMENT**
8 **OF A CONVENTION SUPPORT ORDER UNLESS THERE ARE EXCEPTIONAL**
9 **CIRCUMSTANCES.**

10 **10-361.**

11 **(A) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (B) OF THIS**
12 **SECTION, A TRIBUNAL OF THIS STATE SHALL RECOGNIZE AND ENFORCE A**
13 **REGISTERED CONVENTION SUPPORT ORDER.**

14 **(B) THE FOLLOWING GROUNDS ARE THE ONLY GROUNDS ON WHICH A**
15 **TRIBUNAL OF THIS STATE MAY REFUSE RECOGNITION AND ENFORCEMENT OF A**
16 **REGISTERED CONVENTION SUPPORT ORDER:**

17 **(1) RECOGNITION AND ENFORCEMENT OF THE ORDER IS MANIFESTLY**
18 **INCOMPATIBLE WITH PUBLIC POLICY, INCLUDING THE FAILURE OF THE ISSUING**
19 **TRIBUNAL TO OBSERVE MINIMUM STANDARDS OF DUE PROCESS, WHICH INCLUDE**
20 **NOTICE AND AN OPPORTUNITY TO BE HEARD;**

21 **(2) THE ISSUING TRIBUNAL LACKED PERSONAL JURISDICTION**
22 **CONSISTENT WITH § 10-304 OF THIS SUBTITLE;**

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

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

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

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

1 **(7) THE ORDER IS INCOMPATIBLE WITH A MORE RECENT SUPPORT**
2 **ORDER INVOLVING THE SAME PARTIES AND HAVING THE SAME PURPOSE IF THE**
3 **MORE RECENT SUPPORT ORDER IS ENTITLED TO RECOGNITION AND ENFORCEMENT**
4 **UNDER THIS SUBTITLE IN THIS STATE;**

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

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

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

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

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

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

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

23 **(2) THE ADMINISTRATION SHALL TAKE ALL APPROPRIATE MEASURES**
24 **TO REQUEST A CHILD SUPPORT ORDER FOR THE OBLIGEE IF THE APPLICATION FOR**
25 **RECOGNITION AND ENFORCEMENT WAS RECEIVED UNDER § 10-357 OF THIS**
26 **SUBTITLE.**

27 **10-362.**

28 **(A) IF A TRIBUNAL OF THIS STATE DOES NOT RECOGNIZE AND ENFORCE A**
29 **CONVENTION SUPPORT ORDER IN ITS ENTIRETY, IT SHALL ENFORCE ANY**
30 **SEVERABLE PART OF THE ORDER.**

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

3 **10-363.**

4 **(A) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS (C) AND (D) OF THIS**
5 **SECTION, A TRIBUNAL OF THIS STATE SHALL RECOGNIZE AND ENFORCE A FOREIGN**
6 **SUPPORT AGREEMENT REGISTERED IN THIS STATE.**

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

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

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

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

16 **(D) IN A CONTEST OF A FOREIGN SUPPORT AGREEMENT, A TRIBUNAL OF**
17 **THIS STATE MAY REFUSE RECOGNITION AND ENFORCEMENT OF THE AGREEMENT IF**
18 **IT FINDS:**

19 **(1) RECOGNITION AND ENFORCEMENT OF THE AGREEMENT IS**
20 **MANIFESTLY INCOMPATIBLE WITH PUBLIC POLICY;**

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

22 **(3) THE AGREEMENT IS INCOMPATIBLE WITH A SUPPORT ORDER**
23 **INVOLVING THE SAME PARTIES AND HAVING THE SAME PURPOSE IN THIS STATE,**
24 **ANOTHER STATE, OR A FOREIGN COUNTRY IF THE SUPPORT ORDER IS ENTITLED TO**
25 **RECOGNITION AND ENFORCEMENT UNDER THIS SUBTITLE IN THIS STATE; OR**

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

28 **(E) A PROCEEDING FOR RECOGNITION AND ENFORCEMENT OF A FOREIGN**
29 **SUPPORT AGREEMENT SHALL BE SUSPENDED DURING THE PENDENCY OF A**
30 **CHALLENGE TO OR APPEAL OF THE AGREEMENT BEFORE A TRIBUNAL OF ANOTHER**
31 **STATE OR A FOREIGN COUNTRY.**

1 **10-364.**

2 (A) A TRIBUNAL OF THIS STATE MAY NOT MODIFY A CONVENTION CHILD
3 SUPPORT ORDER IF THE OBLIGEE REMAINS A RESIDENT OF THE FOREIGN COUNTRY
4 WHERE THE SUPPORT ORDER WAS ISSUED UNLESS:

5 (1) THE OBLIGEE SUBMITS TO THE JURISDICTION OF A TRIBUNAL OF
6 THIS STATE, EITHER EXPRESSLY OR BY DEFENDING ON THE MERITS OF THE CASE
7 WITHOUT OBJECTING TO THE JURISDICTION AT THE FIRST AVAILABLE
8 OPPORTUNITY; OR

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

11 (B) IF A TRIBUNAL OF THIS STATE DOES NOT MODIFY A CONVENTION CHILD
12 SUPPORT ORDER BECAUSE THE ORDER IS NOT RECOGNIZED IN THIS STATE, §
13 10-361(C) OF THIS SUBTITLE APPLIES.

14 **10-365.**

15 PERSONAL INFORMATION GATHERED OR TRANSMITTED UNDER THIS PART
16 MAY BE USED ONLY FOR THE PURPOSES FOR WHICH IT WAS GATHERED OR
17 TRANSMITTED.

18 **10-366.**

19 A RECORD FILED WITH A TRIBUNAL OF THIS STATE UNDER THIS PART MUST
20 BE IN THE ORIGINAL LANGUAGE AND, IF NOT IN ENGLISH, MUST BE ACCOMPANIED
21 BY AN ENGLISH TRANSLATION.

22 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
23 1, 2015.