

ENROLLMENT(S)



(5)

COUNCIL OF THE DISTRICT OF COLUMBIA

D.C. LAW 11-81

"Uniform Interstate Family Support Act of 1995".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P.L. 93-198 "the Act", the Council of the District of Columbia adopted Bill No. 11-169 on first and second readings, October 10, 1995 and November 7, 1995 respectively. Following the signature of the Mayor on November 22, 1995, pursuant to Section 404(e) of "the Act", and was assigned Act No. 11-157 and published in the December 8, 1995, edition of the D.C. Register (Vol. 42 page 6748) and transmitted to Congress on December 8, 1995 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 11-81, effective February 9, 1996.



DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

Dec. 8,11,12,13,14,15,18,19,20,21,22,27

Jan. 3,4,5,8,9,22,23,24,25,26,29,30,31

Feb. 1,2,5,6,7,8

AN ACT
D.C. ACT 11-157

*Codification
District of
Columbia
Code
1996 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 27, 1995

To enact the Uniform Interstate Family Support Act in the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Uniform Interstate Family Support Act of 1995".

**New Chapter
3A
Title 30**

TITLE 1. GENERAL PROVISIONS

Sec. 101. Definitions.

**Subchapter 1
New Section
30-341.1**

For the purposes of this act, the term:

(1) "Child" means an individual, whether over or under the age of majority, who is, or is alleged to be, owed a duty of support by the individual's parent or who is, or is alleged to be, the beneficiary of a support order directed to the parent.

(2) "Child support order" means a support order for a child, including a child who has attained the age of majority under the law of the issuing state.

(3) "District" means the District of Columbia.

(4) "Duty of support" means an obligation imposed or imposable by law to provide support for a child, spouse, or former spouse, including an unsatisfied obligation to provide support.

(5) "Family Division" means the Family Division of the Superior Court of the District of Columbia.

(6) "Home state" means the state in which a child lived with a parent, or a person acting as parent, for at least 6 consecutive months immediately preceding the time of filing of a petition or comparable pleading for support, and, if a child is less than 6 months old, the state in which the child lived from birth with any of them. A period of temporary absence of any of them is counted as part of the 6-month or other period.

(7) "Income" includes earnings or other periodic entitlements to money from any source and any other property subject to withholding for support under the law of the District.

(8) "Income-withholding order" means an order or other legal process directed to an obligor's employer or other holder, as defined in section 2(9) of the District of Columbia Child Support Enforcement Amendment Act of 1985, effective February 24, 1987 (D.C. Law

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6-166; D.C. Code § 30-501(9)), to withhold support from the income of the obligor.

(9) "Initiating state" means a state in which a proceeding under this act or a law substantially similar to this act, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act is filed for forwarding to a responding state.

(10) "Initiating tribunal" means the authorized tribunal in an initiating state.

(11) "Issuing state" means the state in which a tribunal issues a support order or renders a judgment determining parentage.

(12) "Issuing tribunal" means the tribunal that issues a support order or renders a judgment determining parentage.

(13) "Law" includes decisional and statutory law and rules and regulations having the force of law.

(14) "Mayor" means the Mayor of the District of Columbia.

(15) "Obligee" means:

(A) An individual to whom a duty of support is, or is alleged to be, owed or in whose favor a support order has been issued or a judgment determining parentage has been rendered;

(B) A state or political subdivision to which the rights under a duty of support or support order have been assigned or which has independent claims based on financial assistance provided to an individual obligee; or

(C) An individual seeking a judgment determining parentage of the individual's child.

(16) "Obligor" means an individual, or the estate of a decedent:

(A) Who owes, or is alleged to owe, a duty of support;

(B) Who is alleged, but has not been adjudicated, to be a parent of a child; or

(C) Who is liable under a support order.

(17) "Register" means to file a support order or judgment determining parentage in the Family Division.

(18) "Registering tribunal" means a tribunal in which a support order is registered.

(19) "Responding state" means a state to which a proceeding is forwarded under this act or a law substantially similar to this act, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act.

(20) "Responding tribunal" means the authorized tribunal in a responding state.

(21) "Spousal support order" means a support order for a spouse or former spouse of the obligor.

(22) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or insular possession subject to the jurisdiction of the United States. The term "state" includes an Indian tribe and includes a foreign jurisdiction

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that has established procedures for issuance and enforcement of support orders which are substantially similar to the procedures under this act.

(23) "Support enforcement agency" means a public official or agency authorized to seek:

- (A) Enforcement of support orders or laws relating to the duty of support;
- (B) Establishment or modification of child support;
- (C) Determination of parentage; or
- (D) To locate obligors or their assets.

(24) "Support order" means a judgment, decree, or order, whether temporary, final, or subject to modification, for the benefit of a child, a spouse, or a former spouse, which provides for monetary support, health care, arrearages, or reimbursement, and may include related costs and fees, interest, income withholding, attorney's fees, and other relief.

(25) "Tribunal" means a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage.

Sec. 102. Tribunal of the District.

**New Section
30-341.2**

The Family Division is the tribunal of the District.

Sec. 103. Remedies cumulative.

**New Section
30-341.3**

Remedies provided by this act are cumulative and do not affect the availability of remedies under other law.

TITLE 2. JURISDICTION.

Subchapter 2

PART A. EXTENDED PERSONAL JURISDICTION.

Sec. 201. Bases for jurisdiction over nonresident.

**New Section
30-342.1**

In a proceeding to establish, enforce, or modify a support order or to determine parentage, the Family Division may exercise personal jurisdiction over a nonresident individual or the individual's guardian or conservator, if:

- (1) The individual is personally served with notice within the District;
- (2) The individual submits to the jurisdiction of the District by consent, by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction;
- (3) The individual resided with the child in the District;
- (4) The individual resided in the District and provided prenatal expenses or support for the child;
- (5) The child resides in the District as a result of the acts or directives of the individual;
- (6) The individual engaged in sexual intercourse in the District and the child may have been conceived by that act of intercourse; or

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(7) There is any other basis consistent with the laws of the District and the Constitution of the United States for the exercise of personal jurisdiction.

Sec. 202. Procedure when exercising jurisdiction over nonresident.

New Section
30-342.2

The Family Division, if it is exercising personal jurisdiction over a nonresident under section 201, may apply section 315 (special rules of evidence and procedure) to receive evidence from another state, and section 317 (assistance with discovery) to obtain discovery through a tribunal of another state. In all other respects, titles 3 through 7 do not apply and the tribunal shall apply the procedural and substantive law of the District, including the rules on choice of law other than those established by this act.

PART B. PROCEEDINGS INVOLVING 2 OR MORE STATES.

Sec. 203. Initiating and responding tribunal of the District.

New Section
30-342.3

Under this act, the Family Division may serve as an initiating tribunal to forward proceedings to another state and as a responding tribunal for proceedings initiated in another state.

Sec. 204. Simultaneous proceedings in another state.

New Section
30-342.4

(a) A tribunal of the District may exercise jurisdiction to establish a support order if the petition or comparable pleading is filed after a petition or comparable pleading is filed in another state, but only if:

(1) The petition or comparable pleading in the District is filed before the expiration of the time allowed in the other state for filing a responsive pleading challenging the exercise of jurisdiction by the other state;

(2) The contesting party timely challenges the exercise of jurisdiction in the other state; and

(3) If relevant, the District is the home state of the child.

(b) A tribunal of the District may not exercise jurisdiction to establish a support order if the petition or comparable pleading is filed before a petition or comparable pleading is filed in another state if:

(1) The petition or comparable pleading in the other state is filed before the expiration of the time allowed in the District for filing a responsive pleading challenging the exercise of jurisdiction by the District;

(2) The contesting party timely challenges the exercise of jurisdiction in the District; and

(3) If relevant, the other state is the home state of the child.

Sec. 205. Continuing, exclusive jurisdiction.

New Section
30-342.5

(a) A tribunal of the District issuing a support order consistent with the law of the District has continuing, exclusive jurisdiction over a child support order:

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(1) As long as the District remains the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued; or

(2) Until each individual party has filed written consent with the tribunal of the District for a tribunal of another state to modify the order and assume continuing, exclusive jurisdiction.

(b) A tribunal of the District issuing a child support order consistent with the law of the District may not exercise its continuing jurisdiction to modify the order if the order has been modified by a tribunal of another state pursuant to a law substantially similar to this act.

(c) If a child support order of the District is modified by a tribunal of another state pursuant to a law substantially similar to this act, a tribunal of the District loses its continuing, exclusive jurisdiction with regard to prospective enforcement of the order issued in the District, and may only:

(1) Enforce the order that was modified as to amounts accruing before the modification;

(2) Enforce nonmodifiable aspects of that order; and

(3) Provide other appropriate relief for violations of that order which occurred before the effective date of the modification.

(d) A tribunal of the District shall recognize the continuing, exclusive jurisdiction of a tribunal of another state which has issued a child support order pursuant to a law substantially similar to this act.

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

(f) A tribunal of the District issuing a support order consistent with the law of the District has continuing, exclusive jurisdiction over a spousal support order throughout the existence of the support obligation. A tribunal of the District may not modify a spousal support order issued by a tribunal of another state having continuing, exclusive jurisdiction over that order under the law of that state.

Sec. 206. Enforcement and modification of support order by tribunal having continuing jurisdiction.

New Section
30-342.6

(a) A tribunal of the District may serve as an initiating tribunal to request a tribunal of another state to enforce or modify a support order issued in that state.

(b) A tribunal of the District having continuing, exclusive jurisdiction over a support order may act as a responding tribunal to enforce or modify the order. If a party subject to the continuing, exclusive jurisdiction of the tribunal no longer resides in the issuing state, in subsequent proceedings the tribunal may apply section 315 (special rules of evidence and procedure) to receive evidence from another state and section 317 (assistance with discovery) to obtain discovery through a tribunal of another state.

(c) A tribunal of the District which lacks continuing, exclusive jurisdiction over a spousal support order may not serve as a responding tribunal to modify a spousal support order of another state.

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PART C. RECONCILIATION WITH ORDERS OF OTHER STATES.

Sec. 207. Recognition of child support orders.

**New Section
30-342.7**

(a) If a proceeding is brought under this act, and one or more child support orders have been issued in this or another state with regard to an obligor and a child, a tribunal of the District shall apply the following rules in determining which order to recognize for purposes of continuing, exclusive jurisdiction:

(1) If only one tribunal has issued a child support order, the order of that tribunal must be recognized;

(2) If 2 or more tribunals have issued child support orders for the same obligor and child, and only one of the tribunals would have continuing, exclusive jurisdiction under this act, the order of that tribunal must be recognized;

(3) If 2 or more tribunals have issued child support orders for the same obligor and child, and more than one of the tribunals would have continuing, exclusive jurisdiction under this act, an order issued by a tribunal in the current home state of the child must be recognized, but if an order has not been issued in the current home state of the child, the order most recently issued must be recognized; and

(4) If 2 or more tribunals have issued child support orders for the same obligor and child, and none of the tribunals would have continuing, exclusive jurisdiction under this act, the tribunal of the District may issue a child support order, which must be recognized.

(b) The tribunal that has issued an order recognized under subsection (a) of this section is the tribunal having continuing, exclusive jurisdiction.

Sec. 208. Multiple child support orders for 2 or more obligees.

**New Section
30-342.8**

In responding to multiple registrations or petitions for enforcement of 2 or more child support orders in effect at the same time with regard to the same obligor and different individual obligees, at least one of which was issued by a tribunal of another state, a tribunal of the District shall enforce those orders in the same manner as if the multiple orders had been issued by a tribunal of the District.

Sec. 209. Credit for payments.

**New Section
30-342.9**

Amounts collected and credited for a particular period pursuant to a support order issued by a tribunal of another state must be credited against the amounts accruing or accrued for the same period under a support order issued by the tribunal of the District.

TITLE 3. CIVIL PROVISIONS OF GENERAL APPLICATION.

Subchapter 3

Sec. 301. Proceedings available under this act.

**New Section
30-343.1**

(a) Except as otherwise provided in this act, this title applies to all proceedings under this act.

(b) This act provides for the following proceedings:

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- (1) Establishment of an order for spousal support or child support pursuant to title 4;
- (2) Enforcement of a support order and income-withholding order of another state without registration pursuant to title 5;
- (3) Registration of an order for spousal support or child support of another state for enforcement pursuant to title 6;
- (4) Modification of an order for child support or spousal support issued by a tribunal of the District pursuant to title 2, part B;
- (5) Registration of an order for child support of another state for modification pursuant to title 6;
- (6) Determination of parentage pursuant to title 7; and
- (7) Assertion of jurisdiction over nonresidents pursuant to title 2, part A.

(c) An individual petitioner or a support enforcement agency may commence a proceeding authorized under this act by filing a petition in an initiating tribunal for forwarding to a responding tribunal or by filing a petition or a comparable pleading directly in a tribunal of another state which has or can obtain personal jurisdiction over the respondent.

Sec. 302. Action by minor parent.

**New Section
30-343.2**

A minor parent, or a guardian or other legal representative of a minor parent, may maintain a proceeding on behalf of, or for the benefit of, the minor's child.

Sec. 303. Application of law of the District.

**New Section
30-343.3**

Except as otherwise provided by this act, a responding tribunal of the District shall:

- (1) Apply the procedural and substantive law, including the rules on choice of law, generally applicable to similar proceedings originating in the District and may exercise all powers and provide all remedies available in those proceedings; and
- (2) Determine the duty of support and the amount payable in accordance with the law and support guidelines of the District.

Sec. 304. Duties of initiating tribunal.

**New Section
30-343.4**

Upon the filing of a petition authorized by this act, an initiating tribunal of the District shall forward 3 copies of the petition and its accompanying documents:

- (1) To the responding tribunal or appropriate support enforcement agency in the responding state; or
- (2) If the identity of the responding tribunal is unknown, to the state information agency of the responding state with a request that they be forwarded to the appropriate tribunal and that receipt be acknowledged.

Sec. 305. Duties and powers of responding tribunal.

**New Section
30-343.5**

- (a) When a responding tribunal of the District receives a petition or comparable pleading

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from an initiating tribunal or directly pursuant to section 301(c), it shall cause the petition or pleading to be filed and notify the petitioner by first-class mail as to where and when it was filed.

(b) A responding tribunal of the District, to the extent otherwise authorized by law, may do one or more of the following:

- (1) Issue or enforce a support order, modify a child support order, or render a judgment to determine parentage;
- (2) Order an obligor to comply with a support order, specifying the amount and the manner of compliance;
- (3) Order income withholding ;
- (4) Determine the amount of any arrearages and specify a method of payment;
- (5) Enforce orders by civil or criminal contempt, or both;
- (6) Set aside property for satisfaction of the support order;
- (7) Place liens and order execution on the obligor's property;
- (8) Order an obligor to keep the tribunal informed of the obligor's current residential address, telephone number, employer, address of employment, and telephone number at the place of employment;
- (9) Issue a bench warrant for an obligor who has failed, after proper notice, to appear at a hearing ordered by the tribunal and enter the bench warrant in any local and state computer systems for criminal warrants;
- (10) Order the obligor to seek appropriate employment by specified methods;
- (11) Award reasonable attorney's fees and other fees and costs; and
- (12) Grant any other available remedy.

(c) A responding tribunal of the District shall include in a support order issued under this act, or in the documents accompanying the order, the calculations on which the support order is based.

(d) A responding tribunal of the District may not condition the payment of a support order issued under this act upon compliance by a party with provisions for visitation.

(e) If a responding tribunal of the District issues an order under this act, the tribunal shall send a copy of the order by first-class mail to the petitioner and the respondent and to the initiating tribunal, if any.

Sec. 306. Inappropriate tribunal.

**New Section
30-343.6**

If a petition or comparable pleading is received by an inappropriate tribunal of the District, it shall forward the pleading and accompanying documents to an appropriate tribunal in the District or another state and notify the petitioner by first-class mail as to where and when the pleading was sent.

Sec. 307. Duties of support enforcement agency.

**New Section
30-343.7**

(a) A support enforcement agency of the District, upon request, shall provide services to a petitioner in a proceeding under this act.

(b) A support enforcement agency that is providing services to the petitioner as

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appropriate shall:

- (1) Take all steps necessary to enable an appropriate tribunal in the District or another state to obtain jurisdiction over the respondent;
 - (2) Request an appropriate tribunal to set a date, time, and place for a hearing;
 - (3) Make a reasonable effort to obtain all relevant information, including information as to income and property of the parties;
 - (4) Within 5 days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written notice from an initiating, responding, or registering tribunal, send a copy of the notice by first-class mail to the petitioner;
 - (5) Within 5 days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written communication from the respondent or the respondent's attorney, send a copy of the communication by first-class mail to the petitioner; and
 - (6) Notify the petitioner if jurisdiction over the respondent cannot be obtained.
- (c) This act does not create or negate a relationship of attorney and client or other fiduciary relationship between a support enforcement agency or the attorney for the agency and the individual being assisted by the agency.

Sec. 308. Private counsel.

An individual may employ private counsel to represent the individual in proceedings authorized by this act.

**New Section
30-343.8**

Sec. 309. Duties of Mayor.

- (a) The Mayor, or the Mayor's designee, is the state information agency under this act.
- (b) The state information agency shall:

**New Section
30-343.9**

- (1) Compile and maintain a current list, including addresses, of the tribunals in the District which have jurisdiction under this act and any support enforcement agencies in the District and transmit a copy to the state information agency of every other state;
- (2) Maintain a register of tribunals and support enforcement agencies received from other states;
- (3) Forward to the appropriate tribunal in the place in the District in which the individual obligee or the obligor resides, or in which the obligor's property is believed to be located, all documents concerning a proceeding under this act received from an initiating tribunal or the state information agency of the initiating state; and
- (4) Obtain information concerning the location of the obligor and the obligor's property within the District not exempt from execution by such means as postal verification and federal or state locator services, examination of telephone directories, requests for the obligor's address from employers, and examination of governmental records, including, to the extent not prohibited by other law, those relating to real property, vital statistics, law enforcement, taxation, motor vehicles, driver's licenses, and social security.

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Sec. 310. Pleadings and accompanying documents.

New Section
30-343.10

(a) A petitioner seeking to establish or modify a support order or to determine parentage in a proceeding under this act must verify the petition. Unless otherwise ordered under section 311 (nondisclosure of information in exceptional circumstances), the petition or accompanying documents must provide, so far as known, the name, residential address, and social security numbers of the obligor and the obligee, and the name, sex, residential address, social security number, and date of birth of each child for whom support is sought. The petition must be accompanied by a certified copy of any support order in effect. The petition may include any other information that may assist in locating or identifying the respondent.

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

Sec. 311. Nondisclosure of information in exceptional circumstances.

New Section
30-343.11

Upon a finding, which may be made ex parte, that the health, safety, or liberty of a party or child would be unreasonably put at risk by the disclosure of identifying information, or if an existing order so provides, a tribunal shall order that the address of the child or party or other identifying information not be disclosed in a pleading or other document filed in a proceeding under this act.

Sec. 312. Costs and fees.

New Section
30-343.12

(a) The petitioner may not be required to pay a filing fee or other costs.

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

(c) The tribunal shall order the payment of costs and reasonable attorney's fees if it determines that a hearing was requested primarily for delay. In a proceeding under title 6 (enforcement and modification of support order after registration), a hearing is presumed to have been requested primarily for delay if a registered support order is confirmed or enforced without change.

Sec. 313. Limited immunity of petitioner.

New Section
30-343.13

(a) Participation by a petitioner in a proceeding before a responding tribunal, whether in person, by private attorney, or through services provided by the support enforcement agency, does not confer personal jurisdiction over the petitioner in another proceeding.

(b) A petitioner is not amenable to service of civil process while physically present in the District to participate in a proceeding under this act.

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(c) The immunity granted by this section does not extend to civil litigation based on acts unrelated to a proceeding under this act committed by a party while present in the District to participate in the proceeding.

Sec. 314. Nonparentage as defense.

**New Section
30-343.14**

A party whose parentage of a child has been previously determined by, or pursuant to, law may not plead nonparentage as a defense to a proceeding under this act.

Sec. 315. Special rules of evidence and procedure.

**New Section
30-343.15**

(a) The physical presence of the petitioner in a responding tribunal of the District is not required for the establishment, enforcement, or modification of a support order or the rendition of a judgment determining parentage.

(b) A verified petition, affidavit, or document substantially complying with federally mandated forms, and a document incorporated by reference in any of them, not excluded under the hearsay rule if given in person, is admissible in evidence if given under oath by a party or witness residing in another state.

(c) A copy of the record of child support payments certified as a true copy of the original by the custodian of the record may be forwarded to a responding tribunal. The copy is evidence of facts asserted in it, and is admissible to show whether payments were made.

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

(e) Documentary evidence transmitted from another state to a tribunal of the District by telephone, telecopier, or other means that do not provide an original writing may not be excluded from evidence on an objection based on the means of transmission.

(f) In a proceeding under this act, a tribunal of the District may permit a party or witness residing in another state to be deposed or to testify by telephone, audiovisual means, or other electronic means at a designated tribunal or other location in that state. A tribunal of the District shall cooperate with tribunals of other states in designating an appropriate location for the deposition or testimony.

(g) If a party called to testify at a civil hearing refuses to answer on the ground that the testimony may be self-incriminating, the trier of fact may draw an adverse inference from the refusal.

(h) A privilege against disclosure of communications between spouses does not apply in a proceeding under this act.

(i) The defense of immunity based on the relationship of husband and wife or parent and child does not apply in a proceeding under this act.

Sec. 316. Communications between tribunals.

**New Section
30-343.16**

A tribunal of the District may communicate with a tribunal of another state in writing, or

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by telephone or other means, to obtain information concerning the laws of that state, the legal effect of a judgment, decree, or order of that tribunal, and the status of a proceeding in the other state. A tribunal of the District may furnish similar information by similar means to a tribunal of another state.

Sec. 317. Assistance with discovery.

**New Section
30-343.17**

A tribunal of the District may:

- (1) Request a tribunal of another state to assist in obtaining discovery; and
- (2) Upon request, compel a person over whom it has jurisdiction to respond to a discovery order issued by a tribunal of another state.

Sec. 318. Receipt and disbursement of payments.

**New Section
30-343.18**

A support enforcement agency or tribunal of the District shall disburse promptly any amounts received pursuant to a support order, as directed by the order. The agency or tribunal shall furnish to a requesting party or tribunal of another state a certified statement by the custodian of the record of the amounts and dates of all payments received.

TITLE 4. ESTABLISHMENT OF SUPPORT ORDER.

Subchapter 4

Sec. 401. Petition to establish support order.

**New Section
30-344.1**

- (a) If a support order entitled to recognition under this act has not been issued, a responding tribunal of the District may issue a support order if:
- (1) The individual seeking the order resides in another state; or
 - (2) The support enforcement agency seeking the order is located in another state.
- (b) The tribunal may issue a temporary child support order if:
- (1) The respondent has signed a verified statement acknowledging parentage;
 - (2) The respondent has been determined by, or pursuant to, law to be the parent;
- or
- (3) There is other clear and convincing evidence that the respondent is the child's parent.
- (c) Upon finding, after notice and an opportunity to be heard, that an obligor owes a duty of support, the tribunal shall issue a support order directed to the obligor and may issue other orders pursuant to section 305 (duties and powers of responding tribunal).

TITLE 5. DIRECT ENFORCEMENT OF ORDER OF ANOTHER STATE WITHOUT REGISTRATION.

Subchapter 5

Sec. 501. Recognition of income-withholding order of another state.

**New Section
30-345.1**

- (a) An income-withholding order issued in another state may be sent by first-class mail to the person or entity defined as the obligor's employer or holder under the District of Columbia Child Support Enforcement Amendment Act of 1985, effective February 24, 1987 (D.C. Law

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6-166; D.C. Code § 30-501 *et seq.*), without first filing a petition or comparable pleading or registering the order with a tribunal of the District. Upon receipt of the order, the employer or holder shall:

- (1) Treat an income-withholding order issued in another state which appears regular on its face as if it had been issued by a tribunal of the District;
- (2) Immediately provide a copy of the order to the obligor; and
- (3) Distribute the funds as directed in the withholding order.

(b) An obligor may contest the validity or enforcement of an income-withholding order issued in another state in the same manner as if the order had been issued by a tribunal of the District. Section 604 (choice of law) applies to the contest. The obligor shall give notice of the contest to any support enforcement agency providing services to the obligee and to:

- (1) The person or agency designated to receive payments in the income-withholding order; or
- (2) If no person or agency is designated, the obligee.

Sec. 502. Administrative enforcement of orders.

**New Section
30-345.2**

(a) A party seeking to enforce a support order or an income-withholding order, or both, issued by a tribunal of another state may send the documents required for registering the order to a support enforcement agency of the District.

(b) Upon receipt of the documents, the support enforcement agency, without initially seeking to register the order, shall consider and, if appropriate, use any administrative procedure authorized by the law of the District to enforce a support order or an income-withholding order, or both. If the obligor does not contest administrative enforcement, the order need not be registered. If the obligor contests the validity or administrative enforcement of the order, the support enforcement agency shall register the order pursuant to this act.

TITLE 6. ENFORCEMENT AND MODIFICATION OF SUPPORT ORDER AFTER REGISTRATION.

Subchapter 6

PART A. REGISTRATION AND ENFORCEMENT OF SUPPORT ORDER.

Sec. 601. Registration of order for enforcement.

**New Section
30-346.1**

A support order or an income-withholding order issued by a tribunal of another state may be registered in the District for enforcement.

Sec. 602. Procedure to register order for enforcement.

**New Section
30-346.2**

(a) A support order or income-withholding order of another state may be registered in the District by sending the following documents and information to the Superior Court of the District of Columbia:

- (1) A letter of transmittal to the tribunal requesting registration and enforcement;

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- (2) Two copies, including one certified copy, of all orders to be registered, including any modification of an order;
 - (3) A sworn statement by the party seeking registration or a certified statement by the custodian of the records showing the amount of any arrearage;
 - (4) The name of the obligor and, if known:
 - (A) The obligor's address and social security number;
 - (B) The name and address of the obligor's employer and any other source of income of the obligor; and
 - (C) A description and the location of property of the obligor in the District not exempt from execution; and
 - (5) The name and address of the obligee and, if applicable, the agency or person to whom support payments are to be remitted.
- (b) On receipt of a request for registration, the registering tribunal shall cause the order to be filed as a foreign judgment, together with one copy of the documents and information, regardless of their form.
- (c) A petition or comparable pleading seeking a remedy that must be affirmatively sought under other law of the District may be filed at the same time as the request for registration or later. The pleading must specify the grounds for the remedy sought.

Sec. 603. Effect of registration for enforcement.

**New Section
30-346.3**

- (a) A support order or income-withholding order issued in another state is registered when the order is filed in the registering tribunal of the District.
- (b) A registered order issued in another state is enforceable in the same manner and is subject to the same procedures as an order issued by a tribunal of the District.
- (c) Except as otherwise provided in this title, a tribunal of the District shall recognize and enforce, but may not modify, a registered order if the issuing tribunal had jurisdiction.

Sec. 604. Choice of law.

**New Section
30-346.4**

- (a) The law of the issuing state governs the nature, extent, amount, and duration of current payments and other obligations of support and the payment of arrearages under the order.
- (b) In a proceeding for arrearages, the statute of limitation under the laws of the District or of the issuing state, whichever is longer, applies.

PART B. CONTEST OF VALIDITY OR ENFORCEMENT.

Sec. 605. Notice of registration of order.

**New Section
30-346.5**

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

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documents and relevant information accompanying the order.

(b) The notice must inform the nonregistering party:

(1) That a registered order is enforceable as of the date of registration in the same manner as an order issued by a tribunal of the District;

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

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

(4) Of the amount of any alleged arrearages.

(c) Upon registration of an income-withholding order for enforcement, the registering tribunal shall notify the obligor's employer or holder pursuant to the District of Columbia Child Support Enforcement Amendment Act of 1985, effective February 24, 1987 (D.C. Law 6-166; D.C. Code § 30-501 *et seq.*).

Sec. 606. Procedure to contest validity or enforcement of registered order.

New Section
30-346.6

(a) A nonregistering party seeking to contest the validity or enforcement of a registered order in the District shall request a hearing within 20 days after the date of mailing or personal service of notice of the registration. The nonregistering party may seek to vacate the registration, to assert any defense to an allegation of noncompliance with the registered order, or to contest the remedies being sought or the amount of any alleged arrearages pursuant to section 607 (contest of registration or enforcement).

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

(c) If a nonregistering party requests a hearing to contest the validity or enforcement of the registered order, the registering tribunal shall schedule the matter for hearing and give notice to the parties by first-class mail as to the date, time, and place of the hearing.

Sec. 607. Contest of registration or enforcement.

New Section
30-346.7

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

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

(2) The order was obtained by fraud;

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

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

(5) There is a defense under the law of the District to the remedy sought;

(6) Full or partial payment has been made; or

(7) The statute of limitation under section 604 (choice of law) precludes enforcement of some or all of the arrearages.

(b) If a party presents evidence establishing a full or partial defense under subsection (a)

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of this section, a tribunal may stay enforcement of the registered order, continue the proceeding to permit production of additional relevant evidence, and issue other appropriate orders. An uncontested portion of the registered order may be enforced by all remedies available under the law of the District.

(c) If the contesting party does not establish a defense under subsection (a) of this section to the validity or enforcement of the order, the registering tribunal shall issue an order confirming the order.

Sec. 608. Confirmed order.

**New Section
30-346.8**

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

PART C. REGISTRATION AND MODIFICATION OF CHILD SUPPORT ORDER.

Sec. 609. Procedure to register child support order of another state for modification.

**New Section
30-346.9**

A party or support enforcement agency seeking to modify, or to modify and enforce, a child support order issued in another state shall register that order in the District in the same manner as provided in part A of this title if the order has not been registered. A petition for modification may be filed at the same time as a request for registration, or later. The pleading must specify the grounds for modification.

Sec. 610. Effect of registration for modification.

**New Section
30-346.10**

A tribunal of the District may enforce a child support order of another state registered for purposes of modification, in the same manner as if the order had been issued by a tribunal of the District, but the registered order may be modified only if the requirements of section 611 (modification of child support order of another state) have been met.

Sec. 611. Modification of child support order of another state.

**New Section
30-346.11**

(a) After a child support order issued in another state has been registered in the District, the responding tribunal of the District may modify that order only if, after notice and hearing, it finds that:

(1) The following requirements are met:

(A) The child, the individual obligee, and the obligor do not reside in the issuing state;

(B) A petitioner who is a nonresident of the District seeks modification;

(C) The respondent is subject to the personal jurisdiction of the tribunal of the District; or

(2) An individual party or the child is subject to the personal jurisdiction of the tribunal and all of the individual parties have filed a written consent in the issuing tribunal

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providing that a tribunal of the District may modify the support order and assume continuing, exclusive jurisdiction over the order.

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

(c) A tribunal of the District may not modify any aspect of a child support order that may not be modified under the law of the issuing state.

(d) On issuance of an order modifying a child support order issued in another state, a tribunal of the District becomes the tribunal of continuing, exclusive jurisdiction.

(e) Within 30 days after issuance of a modified child support order, the party obtaining the modification shall file a certified copy of the order with the issuing tribunal which had continuing, exclusive jurisdiction over the earlier order, and in each tribunal in which the party knows that earlier order has been registered.

Sec. 612. Recognition of order modified in another state.

**New Section
30-346.12**

A tribunal of the District shall recognize a modification of its earlier child support order by a tribunal of another state which assumed jurisdiction pursuant to a law substantially similar to this act, and, upon request, except as otherwise provided in this act, shall:

(1) Enforce the order that was modified only as to amounts accruing before the modification;

(2) Enforce only nonmodifiable aspects of that order;

(3) Provide other appropriate relief only for violations of that order which occurred before the effective date of the modification; and

(4) Recognize the modifying order of the other state, upon registration, for the purpose of enforcement.

TITLE 7. DETERMINATION OF PARENTAGE.

Subchapter 7

Sec. 701. Proceeding to determine parentage.

**New Section
30-347.1**

(a) A tribunal of the District may serve as an initiating or responding tribunal in a proceeding brought under this act or a law substantially similar to this act, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act to determine that the petitioner is a parent of a particular child or to determine that a respondent is a parent of that child.

(b) In a proceeding to determine parentage, a responding tribunal of the District shall apply subchapter II of chapter 23 of title 16 of the District of Columbia Code, and the rules of the District on choice of law.

TITLE 8. INTERSTATE RENDITION.

**Subchapter 8
New Section
30-348.1**

Sec. 801. Grounds for rendition.

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(a) For purposes of this title, the term "governor" includes an individual performing the functions of governor or the executive authority of a state covered by this act.

(b) The Mayor may:

(1) Demand that the governor of another state surrender an individual found in the other state who is charged criminally in the District with having failed to provide for the support of an obligee; or

(2) On the demand by the governor of another state, surrender an individual found in the District who is charged criminally in the other state with having failed to provide for the support of an obligee.

(c) A provision for extradition of individuals not inconsistent with this act applies to the demand even if the individual whose surrender is demanded was not in the demanding state when the crime was allegedly committed and has not fled therefrom.

Sec. 802. Conditions of rendition.

**New Section
30-348.2**

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

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

(c) If a proceeding for support has been initiated and the individual whose rendition is demanded prevails, the governor may decline to honor the demand. If the petitioner prevails and the individual whose rendition is demanded is subject to a support order, the governor may decline to honor the demand if the individual is complying with the support order.

TITLE 9. MISCELLANEOUS PROVISIONS.

Subchapter 9

Sec. 901. Uniformity of application and construction.

**New Section
30-349.1**

This act shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this act among states enacting it.

Sec. 902. Repeal.

**Note, Section
30-301**

An Act To improve and extend, through reciprocal legislation, the enforcement of duties of support in the District of Columbia, approved July 10, 1957 (72 Stat. 285; D.C. Code §

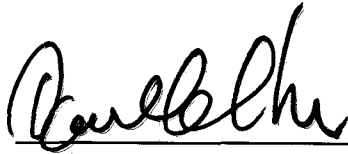
30-301 *et seq.*), is repealed.

Sec. 903. Fiscal impact.

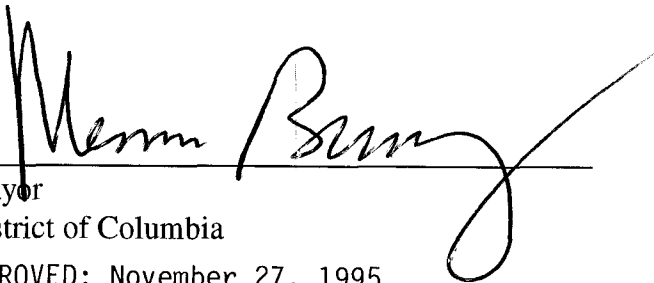
This act will have no fiscal impact.

Sec. 904. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Authority Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(c)), and a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED: November 27, 1995



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD ELEVEN

RECORD OF OFFICIAL COUNCIL VOTE

B11-169

Docket No. _____

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FIRST READING, 10-10-95

VOICE VOTE
 RECORDED VOTE ON REQUEST

APPROVED

ABSENT _____

RAY

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Regis [Signature]
Secretary to the Council

November 9, 1995
Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FINAL READING, 11-7-95

VOICE VOTE
 RECORDED VOTE ON REQUEST

APPROVED

ABSENT _____

SMITH

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X-indicates no

AB-Absent

NV-Present not voting

CERTIFICATION RECORD

Regis [Signature]
Secretary to the Council

November 9, 1995
Date

ITEM ON CONSENT CALENDAR

ACTION & DATE _____

VOICE VOTE
 RECORDED VOTE ON REQUEST

ABSENT _____

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date