

# ENROLLMENT(S)



(5)

# COUNCIL OF THE DISTRICT OF COLUMBIA

## NOTICE

### D.C. LAW 12-131

#### **"Uniform Interstate Family Support Amendment Act of 1998"**

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. 12-156, on first and second readings, March 3, 1998 and April 7, 1998, respectively. Following the signature of the Mayor on April 20, 1998, pursuant to Section 404(e) of "the Act", and was assigned Act No. 12-330 and published in the May 15, 1998, edition of the D.C. Register (Vol. 45 page 2924) and transmitted to Congress on May 19, 1998 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 12-131, effective July 24, 1998.



LINDA W. CROPP  
Chairman of the Council

#### Dates Counted During the 30-day Congressional Review Period:

May	19,20,21,22
June	1,2,3,4,5,9,10,11,12,15,16,17,18,19,22,23,24,25
July	14,15,16,17,20,21,22,23

AN ACT

D.C. ACT 12-330

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 20, 1998

*Codification  
District of  
Columbia  
Code  
1999 Supp.*

To amend the Uniform Interstate Family Support Act of 1995 to modify the definition of 3 terms in the act, to modify which support order is the controlling order if there are multiple orders from one or more states, to authorize a District of Columbia tribunal to issue a certificate and make findings required by a responding state's law if a responding state has not enacted this act or legislation substantially similar to this act, to eliminate the requirement that notification be given by first class mail, to authorize the Mayor to order a support enforcement agency neglecting or refusing to provide services to an individual to perform its duties pursuant to this act, to set forth the duties of an obligor's employer to comply with an income withholding order issued by another state, and to authorize a District of Columbia tribunal to modify a support order of another state in certain circumstances.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Uniform Interstate Family Support Amendment Act of 1998".

Sec. 2. The Uniform Interstate Family Support Act of 1995, effective February 9, 1996 (D.C. Law 11-81; D.C. Code § 30-341.1 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Code § 30-341.1) is amended as follows:

(1) Paragraph (9) is amended to read as follows:

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

(2) Paragraph (19) is amended to read as follows:

"(19) "Responding state" means a state in which a proceeding is filed or to which a proceeding is forwarded for filing from an initiating state under this act or a law or procedure substantially similar to this act, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act."

**Section  
30-341.1**

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(3) Paragraph (22) is amended to read as follows:

"(22) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term "state" includes:

"(A) An Indian tribe; and

"(B) A foreign jurisdiction that has enacted a law or established procedures for issuance and enforcement of support orders which are substantially similar to the procedures under this act, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act."

(b) Section 205(a)(2) (D.C. Code § 30-342.5(a)(2)) is amended by striking the phrase "each individual party has" and inserting the phrase "all of the parties who are individuals have" in its place.

Section  
30-342.5

(c) Section 207 (D.C. Code § 30-342.7) is amended to read as follows:

Section  
30-342.7

"Sec. 207. Recognition of controlling child support order.

"(a) If a proceeding is brought under this act and only 1 tribunal has issued a child support order, the order of that tribunal controls and must be so recognized.

"(b) If a proceeding is brought under this act, and 2 or more child support orders have been issued by tribunals of the District or another state with regard to the same obligor and 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 1 of the tribunals would have continuing, exclusive jurisdiction under this act, the order of that tribunal controls and must be so recognized.

"(2) If more than 1 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 controls and must be so recognized, but if an order has not been issued in the current home state of the child, the order most recently issued controls and must be so recognized.

"(3) If none of the tribunals would have continuing, exclusive jurisdiction under this act, the tribunal of the District having jurisdiction over the parties shall issue a child support order, which controls and must be so recognized.

"(c) If 2 or more child support orders have been issued for the same obligor and child and if the obligor or the individual obligee resides in the District, a party may request a tribunal of the District to determine which order controls and must be so recognized under subsection (b) of this section. The request must be accompanied by a certified copy of every support order in effect. The requesting party shall give notice of the request to each party whose rights may be affected by the determination.

"(d) The tribunal that issued the controlling order under subsection (a), (b), or (c) of this section is the tribunal that has continuing, exclusive jurisdiction under section 205.

"(e) A tribunal of the District which determines by order the identity of the controlling order under subsection (b)(1) or (2) of this section or which issues a new controlling order under

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subsection (b)(3) of this section shall state in that order the basis upon which the tribunal made its determination.

"(f) Within 30 days after issuance of an order determining the identity of the controlling order, the party obtaining the order shall file a certified copy of it with each tribunal that issued or registered an earlier order of child support. A party who obtains the order and fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the controlling order."

(d) Section 304 (D.C. Code § 30-343.4) is amended by designating the undesignated lead-in language as subsection (a) and by adding a new subsection (b) to read as follows:

**Section  
30-343.4**

"(b) If a responding state has not enacted this act, or a law or procedure substantially similar to this act, a tribunal of the District may issue a certificate or other document and make findings required by the law of the responding state. If the responding state is a foreign jurisdiction, the tribunal may specify the amount of support sought and provide other documents necessary to satisfy the requirements of the responding state."

(e) Section 305 (D.C. Code § 30-343.5) is amended as follows:

**Section  
30-343.5**

(1) Subsection (a) is amended by striking the phrase "by first-class mail".

(2) Subsection (e) is amended by striking the phrase "by first-class mail".

(f) Section 306 (D.C. Code § 30-343.6) is amended by striking the phrase "by first-class mail".

**Section  
30-343.6**

(g) Section 307(b) (D.C. Code § 30-343.7(b)) is amended as follows:

**Section  
30-343.7**

(1) Paragraph (4) is amended by striking the phrase "by first-class mail".

(2) Paragraph (5) is amended by striking the phrase "by first-class mail".

(h) A new section 307a is added to read as follows:

**Section  
30-343.7a**

"Sec. 307a. Duty of the Mayor.

"If the Mayor determines that the support enforcement agency is neglecting or refusing to provide services to an individual, the Mayor may order the agency to perform its duties under this act or may provide those services directly to the individual."

(i) Title 5 (D.C. Code 30-345.1 *et seq.*) is amended to read as follows:

"Title 5. Enforcement of order of another state without registration.

"Sec. 501. Employer's receipt of income-withholding order of another state.

**Section  
30-345.1**

"An income-withholding order issued in another state may be sent to the person or entity defined as the obligor's employer under 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.*), without first filing a petition or comparable pleading or registering the order with a tribunal of the District.

"Sec. 502. Employer's compliance with income-withholding order of another state.

**Section  
30-345.2**

"(a) Upon receipt of an income-withholding order, the obligor's employer shall immediately provide a copy of the order to the obligor.

"(b) The employer shall treat an income-withholding order issued in another state which

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appears regular on its face as if it had been issued by a tribunal of the District.

"(c) Except as otherwise provided in subsection (d) of this section and section 503, the employer shall withhold and distribute the funds as directed in the withholding order by complying with terms of the order which specify:

"(1) The duration and amount of periodic payments of current child support stated as a sum certain;

"(2) The person or agency designated to receive payments and the address to which the payments are to be forwarded;

"(3) Medical support, whether in the form of periodic cash payment stated as a sum certain, or ordering the obligor to provide health insurance coverage for the child under a policy available through the obligor's employment;

"(4) The amount of periodic payments of fees and costs for a support enforcement agency, the issuing tribunal, and the obligee's attorney stated as sums certain; and

"(5) The amount of periodic payments of arrearages and interest on arrearages stated as sums certain.

"(d) An employer shall comply with the law of the state of the obligor's principal place of employment for withholding from income with respect to:

"(1) The employer's fee for processing an income-withholding order;

"(2) The maximum amount permitted to be withheld from the obligor's income; and

"(3) The times within which the employer must implement the withholding order and forward the child support payment.

"Sec. 503. Compliance with multiple income-withholding orders.

**Section  
30-345.3**

"If an obligor's employer receives multiple income-withholding orders with respect to the earnings of the same obligor, the employer satisfies the terms of the multiple orders if the employer complies with the law of the state of the obligor's principal place of employment to establish the priorities for withholding and allocating income withheld for multiple child support obligees.

"Sec. 504. Immunity from civil liability.

**New Section  
30-345.4**

"An employer who complies with an income-withholding order issued in another state in accordance with this article is not subject to civil liability to an individual or agency with regard to the employer's withholding of child support from the obligor's income.

"Sec. 505. Penalties for noncompliance.

**New Section  
30-345.5**

"An employer who willfully fails to comply with an income-withholding order issued by another state and received for enforcement is subject to the same penalties that may be imposed for noncompliance with an order issued by a tribunal of the District.

"Sec. 506. Contest by obligor.

**New Section  
30-345.6**

"(a) An obligor may contest the validity or enforcement of an income-withholding order issued in another state and received directly by an employer in the District in the same manner as

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if the order had been issued by a tribunal of the District. Section 604 applies to the contest.

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

"(1) A support enforcement agency providing services to the obligee;

"(2) Each employer that has directly received an income-withholding order; and

"(3) The person or agency designated to receive payments in the income-withholding order or, if no person or agency is designated, to the obligee.

"Sec. 507. Administrative enforcement of orders.

**New Section  
30-345.7**

"(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."

(j) Section 605 (D.C. Code § 30-346.5) is amended as follows:

**Section  
30-346.5**

(1) Subsection (a) is amended by striking the second sentence.

(2) Subsection (b)(2) is amended by striking the phrase "the date of mailing or personal service of the".

(k) Section 606 (D.C. Code § 30-346.6) is amended as follows:

**Section  
30-346.6**

(1) Subsection (a) is amended by striking the phrase "the date of mailing or personal service of".

(2) Subsection (c) is amended by striking the phrase "by first-class mail".

(l) Section 611 (D.C. Code § 30-346.11) is amended to read as follows:

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

**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 section 613 does not apply and 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 this state seeks modification;

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

"(2) The child, or a party who is an individual, is subject to the personal jurisdiction of the tribunal of the District and all of the parties who are individuals have filed written consents in the issuing tribunal for a tribunal of the District to modify the support order

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and assume continuing, exclusive jurisdiction over the order. However, if the issuing state is a foreign jurisdiction that has not enacted a law or established procedures substantially similar to the procedures under this act, the consent otherwise required of an individual residing in the District is not required for the tribunal to assume jurisdiction to modify the child support 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. If 2 or more tribunals have issued child support orders for the same obligor and child, the order that controls establishes the aspects of the support order which are nonmodifiable, and must be so recognized under section 207.

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

(m) Title 6 is amended by adding new sections 613 and 614 to read as follows:

"Sec. 613. Jurisdiction to modify child support order of another state when individual parties reside in the District.

**New Section  
30-346.13**

"(a) If all of the parties who are individuals reside in the District and the child does not reside in the issuing state, a tribunal of the District has jurisdiction to enforce and to modify the issuing state's child support order in a proceeding to register that order.

"(b) A tribunal of the District exercising jurisdiction under this section shall apply the provisions of titles 1 and 2 of this title, and the procedural and substantive law of the District to the proceeding for enforcement or modification. Titles 3, 4, 5, 7, and 8 do not apply.

"Sec. 614. Notice to issuing tribunal of modification.

**New Section  
30-346.14**

"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 that had continuing, exclusive jurisdiction over the earlier order, and in each tribunal in which the party knows the earlier order has been registered. A party who obtains the order and fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the modified order of the new tribunal having continuing, exclusive jurisdiction."

**Sec. 3. Fiscal impact statement.**

The Council adopts the fiscal impact statement in the Committee Report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(3)).

**Sec. 4. Applicability date.**

This act shall apply as of January 1, 1998.

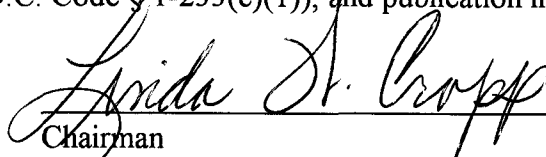
**Note, Section  
30-345.1 -  
30-345.7,  
30-346.13 -  
30-346.14**



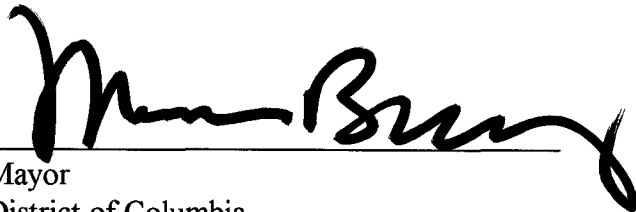
**ENROLLED ORIGINAL**

Sec. 5. 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 Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule 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: April 20, 1998



Docket No. \_\_\_\_\_

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FIRST READING, 3-3-98

VOICE VOTE

APPROVED

RECORDED VOTE ON REQUEST

EVANS

ABSENT \_\_\_\_\_

ROLL CALL VOTE - Result \_\_\_\_\_

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Catania					Patterson									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

*[Signature]*  
Secretary to the Council

*April 8, 1998*  
Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FINAL READING, 4-7-98

VOICE VOTE

APPROVED

RECORDED VOTE ON REQUEST

ALL PRESENT

ABSENT \_\_\_\_\_

ROLL CALL VOTE - Result \_\_\_\_\_

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Catania					Patterson									

X - Indicates Vote

AB - Absent

NV - Present not voting

CERTIFICATION RECORD

*[Signature]*  
Secretary to the Council

*April 8, 1998*  
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. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Catania					Patterson									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date