

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 486

By: Holt

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5
6 AS INTRODUCED

7 An Act relating to marriage and family; amending 43
8 O.S. 2011, Sections 601-101, 601-102, 601-103, 601-
9 201, 601-202, 601-203, 601-204, 601-205, 601-206,
10 601-207, 601-208, 601-209, 601-210, 601-211, 601-301,
11 601-304, 601-305, 601-307, 601-308, 601-310, 601-311,
12 601-312, 601-313, 601-316, 601-317, 601-318, 601-319,
13 601-401, 601-501, 601-503, 601-504, 601-506, 601-507,
14 601-601, 601-602, 601-603, 601-604, 601-605, 601-606,
15 601-607, 601-608, 601-609, 601-610, 601-611, 601-613,
16 601-614, 601-615, 601-701, which relate to the
17 Uniform Interstate Family Support Act; providing
18 short title; modifying definitions; clarifying
19 eligible tribunals; clarifying support enforcement
20 agencies; stating that remedies are cumulative;
21 stating prohibitions of the act; providing
22 applicability of act to certain actions; clarifying
23 when an enforcement of support orders are proper;
24 modifying certain statutory reference; authorizing
proceedings of foreign countries; authorizing
jurisdiction for certain actions executed by foreign
countries; clarifying determination of certain
orders; expanding recognition of child support orders
to include foreign countries; expanding personal
jurisdiction for certain proceedings; limiting
modification of certain orders; providing procedures
for recognition of foreign tribunals; clarifying
certain duties and powers of responding tribunals;
modifying duties of support enforcement agencies;
modifying certain duty of child support enforcement
services of the Department of Human Services;
expanding eligible orders subject to modification;
clarifying when certain fees may be assessed;
clarifying application of certain rules; adding
method of communication; clarifying who is subject to
certain discovery; adding foreign countries as

1 recipient of certain certified statements; clarifying
2 who may issue certain support orders; authorizing
3 tribunals to serve as responding tribunals for
4 certain proceedings; clarifying certain references to
5 sections; adding foreign support orders to those
6 subject to certain enforcement; allowing certain
7 orders for registration in the state; modifying
8 method of registration for certain orders; providing
9 application of certain laws under certain conditions;
10 modifying method of notification for certain orders;
11 modifying time component for contesting certain
12 action; clarifying reference to certain term;
13 clarifying certain statutory references; stating
14 authorization for jurisdiction and modification of
15 certain orders; citing reference to certain exception
16 for child support modifications; providing procedure
17 for registering certain orders for modification;
18 defining terms; stating applicability of certain
19 provisions; stating the Department of Human Services
20 as authorized for certain functions; providing
21 procedures of the Oklahoma Department of Human
22 Services for certain proceedings; providing method
23 for petitioners to seek certain modifications;
24 providing items required for certain requests for
certain support orders; providing method of
contesting certain support orders; stating
recognition and enforcement procedures for certain
orders; allowing refusal for recognition and
enforcement under certain grounds; allowing for
severability; allowing for recognition of certain
registered foreign support agreements; providing
certain items required for recognition; disallowing
modification of certain orders under certain
circumstances; limiting use of personal information;
providing for language of records; stating effect
upon certain proceedings; repealing 43 O.S. 2011,
Section 601-100, which relates to the Uniform
Interstate Family Support Act; providing for
codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 43 O.S. 2011, Section 601-101, is
amended to read as follows:

1 Section 601-101. ~~In the Uniform Interstate Family Support Act:~~

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

6 2. ~~"Child support order" means a support order for a child,~~
7 ~~including a child who has attained the age of majority under the law~~
8 ~~of the issuing state;~~

9 3. ~~"Duty of support" means an obligation imposed or imposable~~
10 ~~by law to provide support for a child, spouse, or former spouse,~~
11 ~~including an unsatisfied obligation to provide support;~~

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

19 5. ~~"Income" includes earnings or other periodic entitlements to~~
20 ~~money from any source and any other property subject to withholding~~
21 ~~for support under the law of this state;~~

22 6. ~~"Income withholding order" means an order or other legal~~
23 ~~process directed to an obligor's employer or other debtor, as~~

1 ~~defined by the income withholding law of this state, to withhold~~
2 ~~support from the income of the obligor;~~

3 7. ~~"Initiating state" means a state from which a proceeding is~~
4 ~~forwarded or in which a proceeding is filed for forwarding to a~~
5 ~~responding state under this act or a law or procedure substantially~~
6 ~~similar to this act;~~

7 8. ~~"Initiating tribunal" means the authorized tribunal in an~~
8 ~~initiating state;~~

9 9. ~~"Issuing state" means the state in which a tribunal issues a~~
10 ~~support order or renders a judgment determining parentage;~~

11 10. ~~"Issuing tribunal" means the tribunal that issues a support~~
12 ~~order or renders a judgment determining parentage;~~

13 11. ~~"Law" includes decisional and statutory law and rules and~~
14 ~~regulations having the force of law;~~

15 12. ~~"Obligee" means:~~

16 a. ~~an individual to whom a duty of support is or is~~
17 ~~alleged to be owed or in whose favor a support order~~
18 ~~has been issued or a judgment determining parentage~~
19 ~~has been rendered,~~

20 b. ~~a state or political subdivision to which the rights~~
21 ~~under a duty of support or support order have been~~
22 ~~assigned or which has independent claims based on~~
23 ~~financial assistance provided to an individual~~
24 ~~obligee, or~~

1 ~~e. an individual seeking a judgment determining parentage~~
2 ~~of the individual's child;~~

3 ~~13. "Obligor" means an individual, or the estate of a decedent:~~

4 ~~a. who owes or is alleged to owe a duty of support,~~

5 ~~b. who is alleged but has not been adjudicated to be a~~
6 ~~parent of a child, or~~

7 ~~c. who is liable under a support order;~~

8 ~~14. "Person" means an individual, corporation, business trust,~~
9 ~~estate, trust, partnership, limited liability company, association,~~
10 ~~joint venture, government, governmental subdivision, agency, or~~
11 ~~instrumentality, public corporation, or any other legal or~~
12 ~~commercial entity;~~

13 ~~15. "Record" means information that is inscribed on a tangible~~
14 ~~medium or that is stored in an electronic or other medium and is~~
15 ~~retrievable in perceivable form;~~

16 ~~16. "Register" means to record or file a support order or~~
17 ~~judgment determining parentage in the appropriate location for the~~
18 ~~recording or filing of foreign judgments generally or foreign~~
19 ~~support orders specifically;~~

20 ~~17. "Registering tribunal" means a tribunal in which a support~~
21 ~~order is registered;~~

22 ~~18. "Responding state" means a state in which a proceeding is~~
23 ~~filed or to which a proceeding is forwarded for filing from an~~
24 ~~initiating state pursuant to the Uniform Interstate Family Support~~

1 ~~Act or a law or procedure substantially similar to the Uniform~~
2 ~~Interstate Family Support Act, the Uniform Reciprocal Enforcement of~~
3 ~~Support Act, or the Revised Uniform Reciprocal Enforcement of~~
4 ~~Support Act;~~

5 19. ~~"Responding tribunal" means the authorized tribunal in a~~
6 ~~responding state;~~

7 20. ~~"Spousal support order" means a support order for a spouse~~
8 ~~or former spouse of the obligor;~~

9 21. ~~"State" means a state of the United States, the District of~~
10 ~~Columbia, Puerto Rico, the United States Virgin Islands, or any~~
11 ~~territory or insular possession subject to the jurisdiction of the~~
12 ~~United States. The term includes:~~

13 a. ~~an Indian tribe, and~~

14 b. ~~a foreign country or political subdivision that:~~

15 ~~(1) has been declared to be a foreign reciprocating~~
16 ~~country or political subdivision under federal~~
17 ~~law,~~

18 ~~(2) has established a reciprocal arrangement for~~
19 ~~child support with this state pursuant to the~~
20 ~~Uniform Interstate Family Support Act, or~~

21 ~~(3) has enacted a law or established procedures for~~
22 ~~issuance and enforcement of support orders which~~
23 ~~are substantially similar to the procedures~~

24

1 ~~pursuant to the Uniform Interstate Family Support~~
2 ~~Act;~~

3 22. ~~"Support enforcement agency" means a public official or~~
4 ~~agency authorized to seek:~~

- 5 a. ~~enforcement of support orders or laws relating to the~~
6 ~~duty of support,~~
- 7 b. ~~establishment or modification of child support,~~
- 8 c. ~~determination of parentage,~~
- 9 d. ~~location of obligors or their assets, or~~
- 10 e. ~~determination of the controlling child support order;~~

11 23. ~~"Support order" means a judgment, decree, order or~~
12 ~~directive, whether temporary, final, or subject to modification,~~
13 ~~issued by a tribunal for the benefit of a child, a spouse, or a~~
14 ~~former spouse, which provides for monetary support, health care,~~
15 ~~arrearages, or reimbursement, and may include related costs and~~
16 ~~fees, interest, income withholding, attorney's fees, and other~~
17 ~~relief; and~~

18 24. ~~"Tribunal" means a court, administrative agency, or quasi-~~
19 ~~judicial entity authorized to establish, enforce, or modify support~~
20 ~~orders or to determine parentage~~ This act may be cited as the
21 "Uniform Interstate Family Support Act".

22 SECTION 2. AMENDATORY 43 O.S. 2011, Section 601-102, is
23 amended to read as follows:

1 Section 601-102. ~~The district court and the Department of Human~~
2 ~~Services are the tribunals of this state~~ As used in this act:

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

7 2. "Child support order" means a support order for a child,
8 including a child who has attained the age of majority under the law
9 of the issuing state or foreign country;

10 3. "Convention" means the Convention on the International
11 Recovery of Child Support and Other Forms of Family Maintenance,
12 concluded at The Hague on November 23, 2007;

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

16 5. "Foreign country" means a country, including a political
17 subdivision thereof, other than the United States, that authorizes
18 the issuance of support orders and:

19 a. which has been declared under the law of the United
20 States to be a foreign reciprocating country,

21 b. which has established a reciprocal arrangement for
22 child support with this state as provided in Section
23 601-308 of this title,

1 c. which has enacted a law or established procedures for
2 the issuance and enforcement of support orders which
3 are substantially similar to the procedures under this
4 act, or

5 d. in which the Convention is in force with respect to
6 the United States;

7 6. "Foreign support order" means a support order of a foreign
8 tribunal;

9 7. "Foreign tribunal" means a court, administrative agency or
10 quasi-judicial entity of a foreign country which is authorized to
11 establish, enforce or modify support orders or to determine
12 parentage of a child. The term includes a competent authority under
13 the Convention;

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

22 9. "Income" includes earnings or other periodic entitlements to
23 money from any source and any other property subject to withholding
24 for support under the law of this state;

1 10. "Income-withholding order" means an order or other legal
2 process directed to an obligor's employer or other debtor, as
3 defined by the income-withholding law of this state, to withhold
4 support from the income of the obligor;

5 11. "Initiating tribunal" means the tribunal of a state or
6 foreign country from which a petition or comparable pleading is
7 forwarded or in which a petition or comparable pleading is filed for
8 forwarding to another state or foreign country;

9 12. "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 13. "Issuing state" means the state in which a tribunal issues
13 a support order or a judgment determining parentage of a child;

14 14. "Issuing tribunal" means the tribunal that issues a support
15 order or a judgment determining parentage of a child;

16 15. "Law" includes decisional and statutory law and rules and
17 regulations having the force of law;

18 16. "Obligee" means:

19 a. an individual to whom a duty of support is or is
20 alleged to be owed or in whose favor a support order
21 or a judgment determining parentage of a child has
22 been issued,

23 b. a foreign country, state or political subdivision of a
24 state to which the rights under a duty of support or

1 support order have been assigned or which has
2 independent claims based on financial assistance
3 provided to an individual obligee in place of child
4 support,

5 c. an individual seeking a judgment determining parentage
6 of the individual's child, or

7 d. a person that is a creditor in a proceeding under
8 Article 7;

9 17. "Obligor" means an individual or the estate of a decedent

10 that:

11 a. owes or is alleged to owe a duty of support,

12 b. is alleged but has not been adjudicated to be a parent
13 of a child,

14 c. is liable under a support order, or

15 d. a person that is a creditor in a proceeding under
16 Article 7;

17 18. "Outside this state" means a location in another state or a
18 country other than the United States, whether or not the country is
19 a foreign country;

20 19. "Person" means an individual, corporation, business trust,
21 estate, trust, partnership, limited liability company, association,
22 joint venture, public corporation, government or governmental
23 subdivision, agency or instrumentality, or any other legal or
24 commercial entity;

1 20. "Record" means information that is inscribed on a tangible
2 medium or that is stored in an electronic or other medium and is
3 retrievable in perceivable form;

4 21. "Register" means to record or file in a tribunal of this
5 state a support order or judgment determining parentage of a child
6 issued in another state or a foreign country;

7 22. "Registering tribunal" means a tribunal in which a support
8 order or judgment determining parentage of a child is registered;

9 23. "Responding state" means a state in which a petition or
10 comparable pleading for support or to determine parentage of a child
11 is filed or to which a petition or comparable pleading is forwarded
12 for filing from another state or a foreign country;

13 24. "Responding tribunal" means the authorized tribunal in a
14 responding state or foreign country;

15 25. "Spousal support order" means a support order for a spouse
16 or former spouse of the obligor;

17 26. "State" means a state of the United States, the District of
18 Columbia, Puerto Rico, the United States Virgin Islands or any
19 territory or insular possession under the jurisdiction of the United
20 States. The term includes an Indian nation or tribe;

21 27. "Support enforcement agency" means a public official,
22 governmental entity, or private agency authorized to:

- 23 a. seek enforcement of support orders or laws relating to
24 the duty of support,

- 1 b. seek establishment or modification of child support,
- 2 c. request determination of parentage of a child,
- 3 d. attempt to locate obligors or their assets, or
- 4 e. request determination of the controlling child support
- 5 order;

6 28. "Support order" means a judgment, decree, order, decision,
7 or directive, whether temporary, final or subject to modification,
8 issued in a state or foreign country for the benefit of a child, a
9 spouse or a former spouse, which provides for monetary support,
10 health care, arrearages, retroactive support or reimbursement for
11 financial assistance provided to an individual obligee in place of
12 child support. The term may include related costs and fees,
13 interest, income withholding, automatic adjustment, reasonable
14 attorney fees, and other relief; and

15 29. "Tribunal" means a court, administrative agency, or quasi-
16 judicial entity authorized to establish, enforce or modify support
17 orders or to determine parentage of a child.

18 SECTION 3. AMENDATORY 43 O.S. 2011, Section 601-103, is
19 amended to read as follows:

20 Section 601-103. A. ~~Remedies provided by this act are~~
21 ~~cumulative and do not affect the availability of remedies under~~
22 ~~other law, including the recognition of a support order of a foreign~~
23 ~~country or political subdivision on the basis of comity~~ The district
24

1 court and the Department of Human Services are the tribunals of this
2 state.

3 B. ~~This act does not:~~

4 ~~1. Provide the exclusive method of establishing or enforcing a~~
5 ~~support order under the laws of this state; or~~

6 ~~2. Grant a tribunal of this state jurisdiction to render~~
7 ~~judgment or issue an order relating to child custody or visitation~~

8 ~~in a proceeding under this act~~ The Department of Human Services,
9 Child Support Services, is the support enforcement agency of this

10 state.

11 SECTION 4. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 601-104 of Title 43, unless
13 there is created a duplication in numbering, reads as follows:

14 A. Remedies provided by this act are cumulative and do not
15 affect the availability of remedies under other law or the
16 recognition of a foreign support order on the basis of comity.

17 B. This act does not:

18 1. Provide the exclusive method of establishing or enforcing a
19 support order under the laws of this state; or

20 2. Grant a tribunal of this state jurisdiction to render
21 judgment or issue an order relating to child custody or visitation

22 in a proceeding under this act.

23

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1 SECTION 5. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 601-105 of Title 43, unless
3 there is created a duplication in numbering, reads as follows:

4 A. A tribunal of this state shall apply Articles 1 through 6 of
5 this title and, as applicable, Article 7 of this title, to a support
6 proceeding involving:

- 7 1. A foreign support order;
- 8 2. A foreign tribunal; or
- 9 3. An obligee, obligor or child residing in a foreign country.

10 B. A tribunal of this state that is requested to recognize and
11 enforce a support order on the basis of comity may apply the
12 procedural and substantive provisions of Articles 1 through 6 of
13 this title.

14 C. Article 7 of this title applies only to a support proceeding
15 under the Convention. In such a proceeding, if a provision of
16 Article 7 is inconsistent with Articles 1 through 6, Article 7
17 controls.

18 SECTION 6. AMENDATORY 43 O.S. 2011, Section 601-201, is
19 amended to read as follows:

20 Section 601-201. A. In a proceeding to establish or enforce a
21 support order or to determine parentage of a child, a tribunal of
22 this state may exercise personal jurisdiction over a nonresident
23 individual or the individual's guardian or conservator if:

24

1 1. The individual is personally served with summons within this
2 state;

3 2. The individual submits to the jurisdiction of this state by
4 consent, by entering a general appearance, or by filing a responsive
5 document having the effect of waiving any contest to personal
6 jurisdiction;

7 3. The individual resided with the child in this state;

8 4. The individual resided in this state and provided prenatal
9 expenses or support for the child;

10 5. The child resides in this state as a result of the acts or
11 directives of the individual;

12 6. The individual engaged in sexual intercourse in this state
13 and the child may have been conceived by that act of intercourse;

14 7. The individual asserted parentage of a child in the putative
15 father registry maintained in this state by the appropriate agency;
16 or

17 8. There is any other basis consistent with the constitutions
18 of this state and the United States for the exercise of personal
19 jurisdiction.

20 B. The bases of personal jurisdiction set forth in subsection A
21 of this section or in any other law of this state may not be used to
22 acquire personal jurisdiction for a tribunal of ~~the~~ this state to
23 modify a child support order of another state unless the
24 requirements of Section 601-611 of this title ~~or Section 41 of this~~

1 ~~act~~ are met, or, in the case of a foreign support order, unless the
2 requirements of Section 601-615 are met.

3 SECTION 7. AMENDATORY 43 O.S. 2011, Section 601-202, is
4 amended to read as follows:

5 Section 601-202. Personal jurisdiction acquired by a tribunal
6 of this state in a proceeding under this act or other law of this
7 state relating to a support order continues as long as a tribunal of
8 this state has continuing, exclusive jurisdiction to modify its
9 order or continuing jurisdiction to enforce its order as provided by
10 Sections 601-205 ~~and~~, 601-206, and 601-211 of this title ~~and Section~~
11 ~~11 of this act.~~

12 SECTION 8. AMENDATORY 43 O.S. 2011, Section 601-203, is
13 amended to read as follows:

14 Section 601-203. Under this act, a tribunal of this state may
15 serve as an initiating tribunal to forward proceedings to a tribunal
16 of another state and as a responding tribunal for proceedings
17 initiated in another state or foreign country.

18 SECTION 9. AMENDATORY 43 O.S. 2011, Section 601-204, is
19 amended to read as follows:

20 Section 601-204. A. A tribunal of this state may exercise
21 jurisdiction to establish a support order if the petition or
22 comparable pleading is filed after a petition or comparable pleading
23 is filed in another state or a foreign country only if:
24

1 1. The petition or comparable pleading in this state is filed
2 before the expiration of the time allowed in the other state or a
3 foreign country for filing a responsive pleading challenging the
4 exercise of jurisdiction by the other state;

5 2. The contesting party timely challenges the exercise of
6 jurisdiction in the other state or a foreign country; and

7 3. If relevant, this state is the home state of the child.

8 B. A tribunal of this state may not exercise jurisdiction to
9 establish a support order if the petition or comparable pleading is
10 filed before a petition or comparable pleading is filed in another
11 state or foreign country if:

12 1. The petition or comparable pleading in the other state or a
13 foreign country is filed before the expiration of the time allowed
14 in this state for filing a responsive pleading challenging the
15 exercise of jurisdiction by this state;

16 2. The contesting party timely challenges the exercise of
17 jurisdiction in this state; and

18 3. If relevant, the other state or a foreign country is the
19 home state of the child.

20 SECTION 10. AMENDATORY 43 O.S. 2011, Section 601-205, is
21 amended to read as follows:

22 Section 601-205. A. A tribunal of this state that has issued a
23 support order consistent with the law of this state has and shall
24

1 exercise continuing, exclusive jurisdiction to modify its child
2 support order if the order is the controlling order and:

3 1. At the time of the filing of a request for modification,
4 this state is the residence of the obligor, the individual obligee,
5 or the child for whose benefit the support order is issued; or

6 2. Even if this state is not the residence of the obligor, the
7 individual obligee, or the child for whose benefit the support order
8 is issued, the parties consent in a record or in open court that the
9 tribunal of this state may continue to exercise jurisdiction to
10 modify its order.

11 B. A tribunal of this state issuing a child support order
12 consistent with the law of this state may not exercise continuing,
13 exclusive jurisdiction to modify the order if:

14 1. All of the parties who are individuals file consent in a
15 record with the tribunal of this state that a tribunal of another
16 state that has jurisdiction over at least one of the parties who is
17 an individual or that is located in the state of residence of the
18 child may modify the order and assume continuing, exclusive
19 jurisdiction; or

20 2. Its order is not the controlling order.

21 C. If a tribunal of another state which has issued a child
22 support order pursuant to a law substantially similar to this act
23 which modifies a child support order of a tribunal of this state,
24

1 tribunals of this state shall recognize the continuing, exclusive
2 jurisdiction of the tribunal of the other state.

3 D. A tribunal of this state that lacks continuing, exclusive
4 jurisdiction to modify a child support order may serve as an
5 initiating tribunal to request a tribunal of another state to modify
6 a support order issued in that state.

7 E. A temporary support order issued ex parte or pending
8 resolution of a jurisdictional conflict does not create continuing,
9 exclusive jurisdiction in the issuing tribunal.

10 SECTION 11. AMENDATORY 43 O.S. 2011, Section 601-206, is
11 amended to read as follows:

12 Section 601-206. A. A tribunal of this state that has issued a
13 child support order consistent with the law of this state may serve
14 as an initiating tribunal to request a tribunal of another state to
15 enforce:

16 1. The order if the order is the controlling order and has not
17 been modified by a tribunal of another state that assumed
18 jurisdiction pursuant to this act; or

19 2. A money judgment for arrears of support and interest on the
20 order accrued before a determination that an order of a tribunal of
21 another state is the controlling order.

22 B. A tribunal of this state having continuing jurisdiction over
23 a support order may act as a responding tribunal to enforce the
24 order.

1 SECTION 12. AMENDATORY 43 O.S. 2011, Section 601-207, is
2 amended to read as follows:

3 Section 601-207. A. If a proceeding is brought pursuant to the
4 Uniform Interstate Family Support Act and only one tribunal has
5 issued a child support order, the order of that tribunal controls
6 and must be so recognized.

7 B. If a proceeding is brought pursuant to the Uniform
8 Interstate Family Support Act, and two or more child support orders
9 have been issued by tribunals of this state or another state or a
10 foreign country with regard to the same obligor and same child, a
11 tribunal of this state having personal jurisdiction over both the
12 obligor and individual obligee shall apply the following rules and
13 by order shall determine which order controls and must be
14 recognized:

15 1. If only one of the tribunals would have continuing,
16 exclusive jurisdiction pursuant to the Uniform Interstate Family
17 Support Act, the order of that tribunal controls ~~and must be so~~
18 ~~recognized~~;

19 2. If more than one of the tribunals would have continuing,
20 exclusive jurisdiction ~~pursuant to the Uniform Interstate Family~~
21 ~~Support Act~~ under this act:

22 a. an order issued by a tribunal in the current home
23 state of the child controls, ~~but~~ or

24

1 b. if an order has not been issued in the current home
2 state of the child, the order most recently issued
3 controls; and

4 3. If none of the tribunals would have continuing, exclusive
5 jurisdiction pursuant to the Uniform Interstate Family Support Act,
6 the tribunal of this state shall issue a child support order, which
7 controls.

8 C. If two or more child support orders have been issued for the
9 same obligor and same child, upon request of a party who is an
10 individual or that is a support enforcement agency, a tribunal of
11 this state having personal jurisdiction over both the obligor and
12 the obligee who is an individual shall determine which order
13 controls under subsection B of this section. The request may be
14 filed with a registration for enforcement or registration for
15 modification pursuant to Article 6 of this title, or may be filed as
16 a separate proceeding.

17 D. A request to determine which is the controlling order must
18 be accompanied by a copy of every child support order in effect and
19 the applicable record of payments. The requesting party shall give
20 notice of the request to each party whose rights may be affected by
21 the determination.

22 E. The tribunal that issued the controlling order under
23 subsection A, B, or C of this section has continuing jurisdiction to
24 the extent provided in Section 601-205 or 601-206 of this title.

1 F. A tribunal of this state that determines by order which is
2 the controlling order under paragraph 1 or 2 of subsection B or
3 subsection C of this section, or that issues a new controlling order
4 under paragraph 3 of subsection B of this section, shall state in
5 that order:

- 6 1. The basis upon which the tribunal made its determination;
- 7 2. The amount of prospective support, if any; and
- 8 3. The total amount of consolidated arrears and accrued
9 interest, if any, under all of the orders after all payments made
10 are credited as provided by Section 601-209 of this title.

11 G. Within thirty (30) days after issuance of an order
12 determining which is the controlling order, the party obtaining the
13 order shall file a certified copy of it in each tribunal that issued
14 or registered an earlier order of child support. A party or support
15 enforcement agency obtaining the order that fails to file a
16 certified copy is subject to appropriate sanctions by a tribunal in
17 which the issue of failure to file arises. The failure to file does
18 not affect the validity or enforceability of the controlling order.

19 H. An order that has been determined to be the controlling
20 order, or a judgment for consolidated arrears of support and
21 interest, if any, made pursuant to this section must be recognized
22 in proceedings under this act.

23 SECTION 13. AMENDATORY 43 O.S. 2011, Section 601-208, is
24 amended to read as follows:

1 Section 601-208. In responding to registrations or petitions
2 for enforcement of two or more child support orders in effect at the
3 same time with regard to the same obligor and different individual
4 obligees, at least one of which was issued by a tribunal of another
5 state or a foreign country, a tribunal of this state shall enforce
6 those orders in the same manner as if the orders had been issued by
7 a tribunal of this state.

8 SECTION 14. AMENDATORY 43 O.S. 2011, Section 601-209, is
9 amended to read as follows:

10 Section 601-209. A tribunal of this state shall credit amounts
11 collected for a particular period pursuant to any child support
12 order against the amounts owed for the same period under any other
13 child support order for support of the same child issued by a
14 tribunal of this or another state or a foreign country.

15 SECTION 15. AMENDATORY 43 O.S. 2011, Section 601-210, is
16 amended to read as follows:

17 Section 601-210. A tribunal of this state exercising personal
18 jurisdiction over a nonresident in a proceeding under this act,
19 under other law of this state relating to a support order, or
20 recognizing a foreign support order ~~of a foreign country or~~
21 ~~political subdivision on the basis of comity~~ may receive evidence
22 from ~~another~~ outside this state pursuant to Section 601-316 of Title
23 43 of the Oklahoma Statutes, communicate with a tribunal ~~of another~~
24 outside this state pursuant to Section 601-317 of Title 43 of the

1 Oklahoma Statutes, and obtain discovery through a tribunal of
2 another state pursuant to Section 601-318 of Title 43 of the
3 Oklahoma Statutes. In all other respects, Articles 3 through 7 of
4 this title do not apply and the tribunal shall apply the procedural
5 and substantive law of this state.

6 SECTION 16. AMENDATORY 43 O.S. 2011, Section 601-211, is
7 amended to read as follows:

8 Section 601-211. A. A tribunal of this state issuing a spousal
9 support order consistent with the law of this state has continuing,
10 exclusive jurisdiction to modify the spousal support order
11 throughout the existence of the support obligation.

12 B. A tribunal of this state may not modify a spousal support
13 order issued by a tribunal of another state or a foreign country
14 having continuing, exclusive jurisdiction over that order under the
15 law of that state or a foreign country.

16 C. A tribunal of this state that has continuing, exclusive
17 jurisdiction over a spousal support order may serve as:

18 1. An initiating tribunal to request a tribunal of another
19 state to enforce the spousal support order issued in this state; or

20 2. A responding tribunal to enforce or modify its own spousal
21 support order.

22 SECTION 17. AMENDATORY 43 O.S. 2011, Section 601-301, is
23 amended to read as follows:

24

1 Section 601-301. A. Except as otherwise provided in this act,
2 this article applies to all proceedings under this act.

3 B. An individual petitioner or a support enforcement agency may
4 initiate a proceeding authorized under this act by filing a petition
5 in an initiating tribunal for forwarding to a responding tribunal or
6 by filing a petition or a comparable pleading directly in a tribunal
7 of another state or a foreign country which has or can obtain
8 personal jurisdiction over the respondent.

9 SECTION 18. AMENDATORY 43 O.S. 2011, Section 601-304, is
10 amended to read as follows:

11 Section 601-304. A. Upon the filing of a petition authorized
12 ~~by the Uniform Interstate Family Support Act~~ under this act, an
13 initiating tribunal of this state shall forward the petition and its
14 accompanying documents:

15 1. To the responding tribunal or appropriate support
16 enforcement agency in the responding state; or

17 2. If the identity of the responding tribunal is unknown, to
18 the state information agency of the responding state with a request
19 that they be forwarded to the appropriate tribunal and that receipt
20 be acknowledged.

21 B. If requested by the responding tribunal, a tribunal of this
22 state shall issue a certificate or other document and make findings
23 required by the law of the responding state. If the responding
24 ~~state~~ tribunal is in a foreign country or political subdivision,

1 upon request the tribunal of this state shall specify the amount of
2 support sought, convert that amount into the equivalent amount in
3 the foreign currency under applicable official or market exchange
4 rate as publicly reported, and provide any other documents necessary
5 to satisfy the requirements of the responding ~~state~~ foreign
6 tribunal.

7 SECTION 19. AMENDATORY 43 O.S. 2011, Section 601-305, is
8 amended to read as follows:

9 Section 601-305. A. When a responding tribunal of this state
10 receives a petition or comparable pleading from an initiating
11 tribunal or directly pursuant to subsection B of Section 601-301 of
12 this title, it shall cause the petition or pleading to be filed and
13 notify the petitioner where and when it was filed.

14 B. A responding tribunal of this state, to the extent not
15 prohibited by other law, may do one or more of the following:

16 1. ~~Issue~~ Establish or enforce a support order, modify a child
17 support order, determine the controlling child support order, or
18 determine parentage of a child;

19 2. Order an obligor to comply with a support order, specifying
20 the amount and the manner of compliance;

21 3. Order income withholding;

22 4. Determine the amount of any arrearages, and specify a method
23 of payment;

24 5. Enforce orders by civil or criminal contempt, or both;

1 6. Set aside property for satisfaction of the support order;
2 7. Place liens and order execution on the obligor's property;
3 8. Order an obligor to keep the tribunal informed of the
4 obligor's current residential address, electronic mail address,
5 telephone number, employer, address of employment, and telephone
6 number at the place of employment;

7 9. Issue a bench warrant for an obligor who has failed after
8 proper notice to appear at a hearing ordered by the tribunal and
9 enter the bench warrant in any local and state computer systems for
10 criminal warrants;

11 10. Order the obligor to seek appropriate employment by
12 specified methods;

13 11. Award reasonable attorney's fees and other fees and costs;
14 and

15 12. Grant any other available remedy.

16 C. A responding tribunal of this state shall include in a
17 support order issued pursuant to the Uniform Interstate Family
18 Support Act, or in the documents accompanying the order, the
19 calculations on which the support order is based.

20 D. A responding tribunal of this state may not condition the
21 payment of a support order issued ~~pursuant to the Uniform Interstate~~
22 ~~Family Support Act~~ under this act upon compliance by a party with
23 provisions for visitation.

24

1 E. If a responding tribunal of this state issues an order
2 ~~pursuant to the Uniform Interstate Family Support Act~~ under this
3 act, the tribunal shall send a copy of the order to the petitioner
4 and the respondent and to the initiating tribunal, if any.

5 F. If requested to enforce a support order, arrears, or
6 judgment or modify a support order stated in a foreign currency, a
7 responding tribunal of this state shall convert the amount stated in
8 the foreign currency to the equivalent amount in dollars under the
9 applicable official or market exchange rate as publicly reported.

10 SECTION 20. AMENDATORY 43 O.S. 2011, Section 601-307, is
11 amended to read as follows:

12 Section 601-307. A. A support enforcement agency of this
13 state, upon request, shall provide services to a petitioner in a
14 proceeding ~~pursuant to the Uniform Interstate Family Support Act~~
15 under this act.

16 B. A support enforcement agency of this state that is providing
17 services to the petitioner shall:

18 1. Take all steps necessary to enable an appropriate tribunal
19 ~~in~~ of this state ~~or~~, another state or a foreign country to obtain
20 jurisdiction over the respondent;

21 2. Request an appropriate tribunal to set a date, time, and
22 place for a hearing;

23 3. Make a reasonable effort to obtain all relevant information,
24 including information as to income and property of the parties;

1 4. Within two (2) days, exclusive of Saturdays, Sundays, and
2 legal holidays, after receipt of a written notice in a record from
3 an initiating, responding, or registering tribunal, send a copy of
4 the notice to the petitioner;

5 5. Within two (2) days, exclusive of Saturdays, Sundays, and
6 legal holidays, after receipt of a written communication from the
7 respondent or the respondent's attorney, send a copy of the
8 communication to the petitioner; and

9 6. Notify the petitioner if jurisdiction over the respondent
10 cannot be obtained.

11 C. A support enforcement agency of this state that requests
12 registration of a child support order in this state for enforcement
13 or for modification shall make reasonable efforts:

14 1. To ensure that the order to be registered is the controlling
15 order; or

16 2. If two or more child support orders exist and the identity
17 of the controlling order has not been determined, to ensure that a
18 request for such a determination is made in a tribunal having
19 jurisdiction to do so.

20 D. A support enforcement agency of this state that requests
21 registration and enforcement of a support order, arrears, or
22 judgment stated in a foreign currency shall convert the amounts
23 stated in the foreign currency into the equivalent amounts in
24

1 dollars under the applicable official or market exchange rate as
2 publicly reported.

3 E. A support enforcement agency of this state shall request a
4 tribunal of this state to issue a child support order and an income-
5 withholding order that redirect payment of current support, arrears,
6 and interest if requested to do so by a support enforcement agency
7 of another state pursuant to Section 601-319 of this title.

8 F. The Uniform Interstate Family Support Act does not create or
9 negate a relationship of attorney and client or other fiduciary
10 relationship between a support enforcement agency or the attorney
11 for the agency and the individual being assisted by the agency.

12 SECTION 21. AMENDATORY 43 O.S. 2011, Section 601-308, is
13 amended to read as follows:

14 Section 601-308. A. If the Attorney General determines that
15 the support enforcement agency is neglecting or refusing to provide
16 services to an individual, the Attorney General may order the agency
17 to perform its duties under this act or may provide those services
18 directly to the individual.

19 B. The Attorney General may determine that a foreign country ~~or~~
20 ~~political subdivision~~ has established a reciprocal arrangement for
21 child support with this state and take appropriate action for
22 notification of the determination.

23 SECTION 22. AMENDATORY 43 O.S. 2011, Section 601-310, is
24 amended to read as follows:

1 Section 601-310. A. The Child Support Enforcement Division of
2 the Department of Human Services is the state information agency
3 under this act.

4 B. The state information agency shall:

5 1. Compile and maintain a current list, including addresses, of
6 the tribunals in this state which have jurisdiction under this act
7 and any support enforcement agencies in this state and transmit a
8 copy to the state information agency of every other state;

9 2. Maintain a register of names and addresses of tribunals and
10 support enforcement agencies received from other states;

11 3. Forward to the appropriate tribunal in the county in this
12 state in which the obligee who is an individual or the obligor
13 resides, or in which the obligor's property is believed to be
14 located, all documents concerning a proceeding under this act
15 received from ~~an initiating tribunal or the state information agency~~
16 ~~of the initiating state~~ another state or a foreign country; and

17 4. Obtain information concerning the location of the obligor
18 and the obligor's property within this state not exempt from
19 execution, by such means as postal verification and federal or state
20 locator services, examination of telephone directories, requests for
21 the obligor's address from employers, and examination of
22 governmental records, including, to the extent not prohibited by
23 other law, those relating to real property, vital statistics, law
24

1 enforcement, taxation, motor vehicles, driver's licenses, and social
2 security.

3 SECTION 23. AMENDATORY 43 O.S. 2011, Section 601-311, is
4 amended to read as follows:

5 Section 601-311. A. In a proceeding under this act, a
6 petitioner seeking to establish a support order, to determine
7 parentage of a child, or to register and modify a support order of
8 another state or a foreign country must file a petition. Unless
9 otherwise ordered under Section 601-312 of this title, the petition
10 or accompanying documents must provide, so far as known, the name,
11 residential address, and social security numbers of the obligor and
12 the obligee or the parent and alleged parent, and the name, sex,
13 residential address, social security number, and date of birth of
14 each child for whose benefit support is sought or whose parentage is
15 to be determined. Unless filed at the time of registration, the
16 petition must be accompanied by a copy of any support order known to
17 have been issued by another tribunal. The petition may include any
18 other information that may assist in locating or identifying the
19 respondent.

20 B. The petition must specify the relief sought. The petition
21 and accompanying documents must conform substantially with the
22 requirements imposed by the forms mandated by federal law for use in
23 cases filed by a support enforcement agency.

24

1 SECTION 24. AMENDATORY 43 O.S. 2011, Section 601-312, is
2 amended to read as follows:

3 Section 601-312. If a party alleges in an affidavit or a
4 pleading under oath that the health, safety, or liberty of a party
5 or child would be jeopardized by the disclosure of specific
6 identifying information, that information must be sealed and may not
7 be disclosed to the other party or the public. After a hearing in
8 which a tribunal takes into consideration the health, safety, or
9 liberty of the party or child, the tribunal may order disclosure of
10 information that the tribunal determines to be in the interest of
11 justice.

12 SECTION 25. AMENDATORY 43 O.S. 2011, Section 601-313, is
13 amended to read as follows:

14 Section 601-313. A. The petitioner may not be required to pay
15 a filing fee or other costs.

16 B. If an obligee prevails, a responding tribunal of this state
17 may assess against an obligor filing fees, reasonable attorney's
18 fees, other costs, and necessary travel and other reasonable
19 expenses incurred by the obligee and the obligee's witnesses. The
20 tribunal may not assess fees, costs, or expenses against the obligee
21 or the support enforcement agency of either the initiating or the
22 responding state or foreign country, except as provided by other
23 law. Attorney's fees may be taxed as costs, and may be ordered paid
24 directly to the attorney, who may enforce the order in the

1 attorney's own name. Payment of support owed to the obligee has
2 priority over fees, costs and expenses.

3 C. The tribunal shall order the payment of costs and reasonable
4 attorney's fees if it determines that a hearing was requested
5 primarily for delay. In a proceeding under Sections 601-601 through
6 601-612 of this title, a hearing is presumed to have been requested
7 primarily for delay if a registered support order is confirmed or
8 enforced without change.

9 SECTION 26. AMENDATORY 43 O.S. 2011, Section 601-316, is
10 amended to read as follows:

11 Section 601-316. A. The physical presence of a nonresident
12 party who is an individual in a tribunal of this state is not
13 required for the establishment, enforcement, or modification of a
14 support order or the rendition of a judgment determining parentage
15 of a child.

16 B. An affidavit, a document substantially complying with
17 federally mandated forms, or a document incorporated by reference in
18 any of them, which would not be excluded under the hearsay rule if
19 given in person, is admissible in evidence if given under penalty of
20 perjury by a party or witness residing ~~in another~~ outside this
21 state.

22 C. A copy of the record of child support payments certified as
23 a true copy of the original by the custodian of the record may be
24 forwarded to a responding tribunal. The copy is evidence of facts

1 asserted in it, and is admissible to show whether payments were
2 made.

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

8 E. Documentary evidence transmitted from ~~another~~ outside this
9 state to a tribunal of this state by telephone, telecopier, or other
10 electronic means that do not provide an original record may not be
11 excluded from evidence on an objection based on the means of
12 transmission.

13 F. In a proceeding under this act, a tribunal of this state
14 shall permit a party or witness ~~residing in another~~ outside this
15 state to be deposed or to testify by telephone, audiovisual means,
16 or other electronic means at a designated tribunal or other location
17 ~~in that state~~. A tribunal of this state shall cooperate with other
18 tribunals ~~of other states~~ in designating an appropriate location for
19 the deposition or testimony.

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

23 H. A privilege against disclosure of communications between
24 spouses does not apply in a proceeding under this act.

1 I. The defense of immunity based on the relationship of husband
2 and wife or parent and child does not apply in a proceeding under
3 this act.

4 J. A voluntary acknowledgment of paternity, certified as a true
5 copy, is admissible to establish parentage of the child.

6 SECTION 27. AMENDATORY 43 O.S. 2011, Section 601-317, is
7 amended to read as follows:

8 Section 601-317. A tribunal of this state may communicate with
9 a tribunal ~~of another~~ outside this state ~~or foreign country or~~
10 ~~political subdivision~~ in a record, ~~or by telephone,~~ electronic mail
11 or other means, to obtain information concerning the laws, the legal
12 effect of a judgment, decree, ~~or order~~ of that tribunal, and the
13 status of a proceeding in the other state or foreign country or
14 political subdivision. A tribunal of this state may furnish similar
15 information by similar means to a tribunal ~~of another~~ outside this
16 state ~~or foreign country or political subdivision~~.

17 SECTION 28. AMENDATORY 43 O.S. 2011, Section 601-318, is
18 amended to read as follows:

19 Section 601-318. A tribunal of this state may:

20 1. Request a tribunal ~~of another~~ outside this state to assist
21 in obtaining discovery; and

22 2. Upon request, compel a person over ~~whom~~ which it has
23 jurisdiction to respond to a discovery order issued by a tribunal ~~of~~
24 ~~another~~ outside this state.

1 SECTION 29. AMENDATORY 43 O.S. 2011, Section 601-319, is
2 amended to read as follows:

3 Section 601-319. A. A support enforcement agency or tribunal
4 of this state shall disburse promptly any amounts received pursuant
5 to a support order, as directed by the order. The agency or
6 tribunal shall furnish to a requesting party or tribunal of another
7 state or a foreign country a certified statement by the custodian of
8 the record of the amounts and dates of all payments received.

9 B. If neither the obligor, nor the obligee who is an
10 individual, nor the child resides in this state, upon request from
11 the support enforcement agency of this state or another state, the
12 support enforcement agency of this state or a tribunal of this state
13 shall:

14 1. Direct that the support payment be made to the support
15 enforcement agency in the state in which the obligee is receiving
16 services; and

17 2. Issue and send to the obligor's employer a conforming
18 income-withholding order or an administrative notice of change of
19 payee, reflecting the redirected payments.

20 C. The support enforcement agency of this state receiving
21 redirected payments from another state pursuant to a law similar to
22 subsection B of this section shall furnish to a requesting party or
23 tribunal of the other state a certified statement by the custodian
24 of the record of the amount and dates of all payments received.

1 SECTION 30. AMENDATORY 43 O.S. 2011, Section 601-401, is
2 amended to read as follows:

3 Section 601-401. A. If a support order entitled to recognition
4 under this act has not been issued, a responding tribunal of this
5 state, with personal jurisdiction over the parties, may issue a
6 support order if:

7 1. The individual seeking the order resides ~~in another~~ outside
8 this state; or

9 2. The support enforcement agency seeking the order is located
10 ~~in another~~ outside this state.

11 B. The tribunal may issue a temporary child support order if
12 the tribunal determines that such an order is appropriate and the
13 individual ordered to pay is:

14 1. A presumed father of the child;

15 2. Petitioning to have his paternity adjudicated;

16 3. Identified as the father of the child through genetic
17 testing;

18 4. An alleged father who has declined to submit to genetic
19 testing;

20 5. Shown by clear and convincing evidence to be the father of
21 the child;

22 6. An acknowledged father as provided by Section 1-311.3 of
23 Title 63 of the Oklahoma Statutes;

24 7. The mother of the child; or

1 8. An individual who has been ordered to pay child support in a
2 previous proceeding and the order has not been reversed or vacated.

3 C. Upon finding, after notice and opportunity to be heard, that
4 an obligor owes a duty of support, the tribunal shall issue a
5 support order directed to the obligor and may issue other orders
6 pursuant to Section 601-305 of this title.

7 SECTION 31. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 601-402 of Title 43, unless
9 there is created a duplication in numbering, reads as follows:

10 A tribunal of this state authorized to determine parentage of a
11 child may serve as a responding tribunal in a proceeding to
12 determine parentage of a child brought under this act or a law or
13 procedure substantially similar to this act.

14 SECTION 32. AMENDATORY 43 O.S. 2011, Section 601-501, is
15 amended to read as follows:

16 Section 601-501. An income-withholding order issued in another
17 state may be sent by or on behalf of the obligee, or by the support
18 enforcement agency, to the person defined as the obligor's employer
19 under the income-withholding law of this state without first filing
20 a petition or comparable pleading or registering the order with a
21 tribunal of this state.

22 SECTION 33. AMENDATORY 43 O.S. 2011, Section 601-503, is
23 amended to read as follows:

24

1 Section 601-503. If an obligor's employer receives two or more
2 income-withholding orders with respect to the earnings of the same
3 obligor, the employer satisfies the terms of the orders if the
4 employer complies with the law of the state of the obligor's
5 principal place of employment to establish the priorities for
6 withholding and allocating income withheld for two or more child
7 support obligees.

8 SECTION 34. AMENDATORY 43 O.S. 2011, Section 601-504, is
9 amended to read as follows:

10 Section 601-504. An employer ~~who~~ that complies with an income-
11 withholding order issued in another state in accordance with this
12 article is not subject to civil liability to an individual or agency
13 with regard to the employer's withholding of child support from the
14 obligor's income.

15 SECTION 35. AMENDATORY 43 O.S. 2011, Section 601-506, is
16 amended to read as follows:

17 Section 601-506. A. An obligor may contest the validity or
18 enforcement of an income-withholding order issued in another state
19 and received directly by an employer in this state by registering
20 the order in a tribunal of this state and filing a contest to that
21 order as provided in Article 6 of this title, or otherwise
22 contesting the order in the same manner as if the order had been
23 issued by a tribunal of this state.

24 B. The obligor shall give notice of the contest to:

1 1. A support enforcement agency providing services to the
2 obligee;

3 2. Each employer that has directly received an income-
4 withholding order relating to the obligor; and

5 3. The person designated to receive payments in the income-
6 withholding order or if no person is designated, to the obligee.

7 SECTION 36. AMENDATORY 43 O.S. 2011, Section 601-507, is
8 amended to read as follows:

9 Section 601-507. A. A party or support enforcement agency
10 seeking to enforce a support order or an income-withholding order,
11 or both, issued ~~by a tribunal of~~ in another state or a foreign
12 support order may send the documents required for registering the
13 order to a support enforcement agency of this state.

14 B. Upon receipt of the documents, the support enforcement
15 agency, without initially seeking to register the order, shall
16 consider and, if appropriate, use any administrative procedure
17 authorized by the law of this state to enforce a support order or an
18 income-withholding order, or both. If the obligor does not contest
19 administrative enforcement, the order need not be registered. If
20 the obligor contests the validity or administrative enforcement of
21 the order, the support enforcement agency shall register the order
22 pursuant to ~~the Uniform Interstate Family Support Act~~ this act.

23 SECTION 37. AMENDATORY 43 O.S. 2011, Section 601-601, is
24 amended to read as follows:

1 Section 601-601. A support order or an income-withholding order
2 issued ~~by a tribunal of~~ in another state or a foreign support order
3 may be registered in this state for enforcement.

4 SECTION 38. AMENDATORY 43 O.S. 2011, Section 601-602, is
5 amended to read as follows:

6 Section 601-602. A. A Except as otherwise provided in Section
7 706, a support order or income-withholding order of another state or
8 a foreign support order may be registered in this state by sending
9 the following records ~~and information~~ to the appropriate tribunal in
10 this state:

- 11 1. A letter of transmittal to the tribunal requesting
12 registration and enforcement;
- 13 2. Two copies, including one certified copy, of the order to be
14 registered, including any modification of the order;
- 15 3. A sworn statement by the person requesting registration or a
16 certified statement by the custodian of the records showing the
17 amount of any arrearage;
- 18 4. The name of the obligor and, if known:
 - 19 a. the obligor's address and social security number,
 - 20 b. the name and address of the obligor's employer and any
21 other source of income of the obligor, and
 - 22 c. a description and the location of property of the
23 obligor in this state not exempt from execution; and

24

1 5. Except as otherwise provided in Section 601-312 of this
2 title, the name and address of the obligee and, if applicable, the
3 person to whom support payments are to be remitted.

4 B. On receipt of a request for registration, the registering
5 tribunal shall cause the order to be filed as a ~~foreign judgment~~ an
6 order of a tribunal of another state or a foreign support order,
7 together with one copy of the documents and information, regardless
8 of their form.

9 C. A petition or comparable pleading seeking a remedy that must
10 be affirmatively sought under other law of this state may be filed
11 at the same time as the request for registration or later. The
12 pleading must specify the grounds for the remedy sought.

13 D. If two or more orders are in effect, the person requesting
14 registration shall:

15 1. Furnish to the tribunal a copy of every support order
16 asserted to be in effect in addition to the documents specified in
17 this section;

18 2. Specify the order alleged to be the controlling order, if
19 any; and

20 3. Specify the amount of consolidated arrears, if any.

21 E. A request for a determination of which is the controlling
22 order may be filed separately or with a request for registration and
23 enforcement or for registration and modification. The person
24

1 requesting registration shall give notice of the request to each
2 party whose rights may be affected by the determination.

3 SECTION 39. AMENDATORY 43 O.S. 2011, Section 601-603, is
4 amended to read as follows:

5 Section 601-603. A. A support order or income-withholding
6 order issued in another state or a foreign support order is
7 registered when the order is filed in the registering tribunal of
8 this state.

9 B. A registered support order issued in another state or
10 foreign country is enforceable in the same manner and is subject to
11 the same procedures as an order issued by a tribunal of this state.

12 C. Except as otherwise provided in this ~~article~~ act, a tribunal
13 of this state shall recognize and enforce, but may not modify, a
14 registered support order if the issuing tribunal had jurisdiction.

15 SECTION 40. AMENDATORY 43 O.S. 2011, Section 601-604, is
16 amended to read as follows:

17 Section 601-604. A. Except as otherwise provided in subsection
18 ~~B~~ D of this section, the law of the issuing state or a foreign
19 country governs:

20 1. The nature, extent, amount, and duration of current payments
21 under a registered support order;

22 2. The computation and payment of arrearages and accrual of
23 interest on the arrearages under the support order; and
24

1 3. The existence and satisfaction of other obligations under
2 the support order.

3 B. In a proceeding for arrears under a registered support, the
4 statute of limitation of this state or of the issuing state or
5 foreign country, whichever is longer, applies.

6 C. A responding tribunal of this state shall apply the
7 procedures and remedies of this state to enforce current support and
8 collect arrears and interest due on a support order of another state
9 or foreign country registered in this state.

10 D. After a tribunal of this or another state determines which
11 is the controlling order and issues an order consolidating arrears,
12 if any, a tribunal of this state shall prospectively apply the law
13 of the state or foreign country issuing the controlling order,
14 including its law on interest on arrears, on current and future
15 support, and on consolidated arrears.

16 SECTION 41. AMENDATORY 43 O.S. 2011, Section 601-605, is
17 amended to read as follows:

18 Section 601-605. A. When a support order or income-withholding
19 order issued in another state or a foreign support order is
20 registered, the registering tribunal of this state shall notify the
21 nonregistering party. The notice must be accompanied by a copy of
22 the registered order and the documents and relevant information
23 accompanying the order.

24 B. A notice must inform the nonregistering party:

1 1. That a registered order is enforceable as of the date of
2 registration in the same manner as an order issued by a tribunal of
3 this state;

4 2. That a hearing to contest the validity or enforcement of the
5 registered order must be requested within twenty (20) days after the
6 date of mailing or personal service of the notice unless the
7 registered order is under Section 601-707;

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

13 4. Of the amount of any alleged arrearages.

14 C. If the registering party asserts that two or more orders are
15 in effect, a notice shall also:

16 1. Identify the two or more orders and the order alleged by the
17 registering ~~person~~ party to be the controlling order and the
18 consolidated arrears, if any;

19 2. Notify the nonregistering party of the right to a
20 determination of which is the controlling order;

21 3. State that the procedures provided in subsection B of this
22 section apply to the determination of which is the controlling
23 order; and

24

1 4. State that failure to contest the validity or enforcement of
2 the order alleged to be the controlling order in a timely manner may
3 result in confirmation that the order is the controlling order.

4 D. Upon registration of an income-withholding order for
5 enforcement, the support enforcement agency or the registering
6 tribunal shall notify the obligor's employer pursuant to the income-
7 withholding law of this state.

8 SECTION 42. AMENDATORY 43 O.S. 2011, Section 601-606, is
9 amended to read as follows:

10 Section 601-606. A. A nonregistering party seeking to contest
11 the validity or enforcement of a registered order in this state
12 shall request a hearing within ~~twenty (20) days after the date of~~
13 ~~mailing or personal service of notice of the registration~~ the time
14 required by Section 601-605. The nonregistering party may seek to
15 vacate the registration, to assert any defense to an allegation of
16 noncompliance with the registered order, or to contest the remedies
17 being sought or the amount of any alleged arrearages pursuant to
18 Section 601-607 of this title.

19 B. If the nonregistering party fails to contest the validity or
20 enforcement of the registered support order in a timely manner, the
21 order is confirmed by operation of law.

22 C. If a nonregistering party requests a hearing to contest the
23 validity or enforcement of the registered order, the registering
24

1 tribunal shall schedule the matter for hearing and give notice to
2 the parties of the date, time, and place of the hearing.

3 SECTION 43. AMENDATORY 43 O.S. 2011, Section 601-607, is
4 amended to read as follows:

5 Section 601-607. A. A party contesting the validity or
6 enforcement of a registered order or seeking to vacate the
7 registration has the burden of proving one or more of the following
8 defenses:

9 1. The issuing tribunal lacked personal jurisdiction over the
10 contesting party;

11 2. The order was obtained by fraud;

12 3. The order has been vacated, suspended, or modified by a
13 later order;

14 4. The issuing tribunal has stayed the order pending appeal;

15 5. There is a defense under the law of this state to the remedy
16 sought;

17 6. Full or partial payment has been made;

18 7. The statute of limitation under Section 601-604 of this
19 title precludes enforcement of some or all of the alleged
20 arrearages; or

21 8. The alleged controlling order is not the controlling order.

22 B. If a party presents evidence establishing a full or partial
23 defense under subsection A of this section, a tribunal may stay
24 enforcement of ~~the~~ a registered support order, continue the

1 proceeding to permit production of additional relevant evidence, and
2 issue other appropriate orders. An uncontested portion of the
3 registered order may be enforced by all remedies available under the
4 law of this state.

5 C. If the contesting party does not establish a defense under
6 subsection A of this section to the validity or enforcement of ~~the a~~
7 registered support order, the registering tribunal shall issue an
8 order confirming the order.

9 SECTION 44. AMENDATORY 43 O.S. 2011, Section 601-608, is
10 amended to read as follows:

11 Section 601-608. Confirmation of a registered support order,
12 whether by operation of law or after notice and hearing, precludes
13 further contest of the order with respect to any matter that could
14 have been asserted at the time of registration.

15 SECTION 45. AMENDATORY 43 O.S. 2011, Section 601-609, is
16 amended to read as follows:

17 Section 601-609. A party or support enforcement agency seeking
18 to modify, or to modify and enforce, a child support order issued in
19 another state shall register that order in this state in the same
20 manner provided in ~~Part A~~ Sections 601-601 through 601-608 of this
21 article if the order has not been registered. A petition for
22 modification may be filed at the same time as a request for
23 registration, or later. The pleading must specify the grounds for
24 modification.

1 SECTION 46. AMENDATORY 43 O.S. 2011, Section 601-610, is
2 amended to read as follows:

3 Section 601-610. A tribunal of this state may enforce a child
4 support order of another state registered for purposes of
5 modification, in the same manner as if the order had been issued by
6 a tribunal of this state, but the registered support order may be
7 modified only if the requirements of Section 601-611 or 601-613 ~~of~~
8 ~~this title or Section 41 of this act~~ have been met.

9 SECTION 47. AMENDATORY 43 O.S. 2011, Section 601-611, is
10 amended to read as follows:

11 Section 601-611. A. If Section 601-613 of this title does not
12 apply, ~~except as otherwise provided in Section 41 of this act,~~ upon
13 petition a tribunal of this state may modify a child support order
14 issued in another state which is registered in this state if, after
15 notice and hearing, the tribunal finds that:

- 16 1. The following requirements are met:
- 17 a. neither the child, nor the obligee who is an
18 individual, nor the obligor resides in the issuing
19 state,
 - 20 b. a petitioner who is a nonresident of this state seeks
21 modification, and
 - 22 c. the respondent is subject to the personal jurisdiction
23 of the tribunal of this state; or
- 24

1 2. This state is the state of residence of the child, or a
2 party who is an individual, is subject to the personal jurisdiction
3 of the tribunal of this state and all of the parties who are
4 individuals have filed consents in a record in the issuing tribunal
5 for a tribunal of this state to modify the support order and assume
6 continuing, exclusive jurisdiction.

7 B. Modification of a registered child support order is subject
8 to the same requirements, procedures, and defenses that apply to the
9 modification of an order issued by a tribunal of this state and the
10 order may be enforced and satisfied in the same manner.

11 C. ~~Except as otherwise provided in Section 41 of this act, a~~ A
12 tribunal of this state may not modify any aspect of a child support
13 order that may not be modified under the law of the issuing state,
14 including the duration of the obligation of support. If two or more
15 tribunals have issued child support orders for the same obligor and
16 same child, the order that controls and must be so recognized under
17 Section 601-207 of this title establishes the aspects of the support
18 order which are nonmodifiable.

19 D. In a proceeding to modify a child support order, the law of
20 the state that is determined to have issued the initial controlling
21 order governs the duration of the obligation of support. The
22 obligor's fulfillment of the duty of support established by the
23 order precludes imposition of a further obligation of support by a
24 tribunal of this state.

1 E. On issuance of an order by a tribunal of this state
2 modifying a child support order issued in another state, the
3 tribunal of this state becomes the tribunal having continuing,
4 exclusive jurisdiction.

5 F. Notwithstanding subsections (a) through (e) and subsection B
6 of Section 601- 201, a tribunal of this state retains jurisdiction
7 to modify an order issued by a tribunal of this state if:

- 8 1. One party resides in another state; and
9 2. The other party resides outside the United States.

10 SECTION 48. AMENDATORY 43 O.S. 2011, Section 601-613, is
11 amended to read as follows:

12 Section 601-613. A. If all of the parties who are individuals
13 reside in this state and the child does not reside in the issuing
14 state, a tribunal of this state has jurisdiction to enforce and to
15 modify the issuing state's child support order in a proceeding to
16 register that order.

17 B. A tribunal of this state exercising jurisdiction under this
18 section shall apply the provisions of ~~Sections 601-101 through 601-~~
19 ~~209~~ of this ~~title~~ article, and the procedural and substantive law of
20 this state to the proceeding for enforcement or modification.
21 ~~Sections 601-301 through 601-507 and 601-701 through 601-802 of this~~
22 ~~title~~ Articles 3, 4, 5, 7, and 8 do not apply.

23 SECTION 49. AMENDATORY 43 O.S. 2011, Section 601-614, is
24 amended to read as follows:

1 Section 601-614. Within thirty (30) days after issuance of a
2 modified child support order, the party obtaining the modification
3 shall file a certified copy of the order with the issuing tribunal
4 that had continuing, exclusive jurisdiction over the earlier order,
5 and in each tribunal in which the party knows the earlier order has
6 been registered. A party who obtains the order and fails to file a
7 certified copy is subject to appropriate sanctions by a tribunal in
8 which the issue of failure to file arises. The failure to file does
9 not affect the validity or enforceability of the modified order of
10 the new tribunal having continuing, exclusive jurisdiction.

11 SECTION 50. AMENDATORY 43 O.S. 2011, Section 601-615, is
12 amended to read as follows:

13 Section 601-615. A. ~~If~~ Except as otherwise provided in Section
14 601-711, if a foreign country or political subdivision that is a
15 state will not or may not modify its order lacks or refuses to
16 exercise jurisdiction to modify its child support order pursuant to
17 its laws, a tribunal of this state may assume jurisdiction to modify
18 the child support order and bind all individuals subject to the
19 personal jurisdiction of the tribunal whether or not the consent to
20 modification of a child support order otherwise required of the
21 individual pursuant to Section 601-611 of Title 43 of the Oklahoma
22 Statutes has been given or whether the individual seeking
23 modification is a resident of this state or of the foreign country
24 ~~or political subdivision.~~

1 B. An order issued by a tribunal of this state modifying a
2 foreign child support order pursuant to this section is the
3 controlling order.

4 SECTION 51. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 601-616 of Title 43, unless
6 there is created a duplication in numbering, reads as follows:

7 A party or support enforcement agency seeking to modify or to
8 modify and enforce a foreign child support order not under the
9 Convention may register that order in this state under Sections 601-
10 601 through 601-608 if the order has not been registered. A
11 petition for modification may be filed at the same time as a request
12 for registration or at another time. The petition must specify the
13 grounds for modification.

14 SECTION 52. AMENDATORY 43 O.S. 2011, Section 601-701, is
15 amended to read as follows:

16 Section 601-701. ~~A court of this state authorized to determine~~
17 ~~parentage of a child may serve as a responding tribunal in a~~
18 ~~proceeding to determine parentage brought under this act or a law or~~
19 ~~procedure substantially similar to this act.~~

20 In this article:

21 1. "Application" means a request under the Convention by an
22 obligee or obligor or on behalf of a child made through a central
23 authority for assistance from another central authority;

24

1 2. "Central authority" means the entity designated by the
2 United States or a foreign country described in paragraph d of
3 subsection 5 of Section 601-102 to perform the functions specified
4 in the Convention;

5 3. "Convention support order" means a support order of a
6 tribunal of a foreign country described in paragraph d of subsection
7 5 of Section 601-102;

8 4. "Direct request" means a petition filed by an individual in
9 a tribunal of this state in a proceeding involving an obligee,
10 obligor, or child residing outside the United States;

11 5. "Foreign central authority" means the entity designated by a
12 foreign country described in paragraph d of subsection 5 of Section
13 601-102 to perform the functions specified in the Convention;

14 6. "Foreign support agreement" means an agreement for support
15 in a record that:

16 a. is enforceable as a support order in the country of
17 origin,

18 b. has been:

19 (1) formally drawn up or registered as an authentic
20 instrument by a foreign tribunal, or

21 (2) authenticated by or concluded, registered or
22 filed with a foreign tribunal,

23 c. may be reviewed and modified by a foreign tribunal,
24 and

1 d. includes a maintenance arrangement or authentic
2 instrument under the convention; and

3 7. "United States central authority" means the Secretary of the
4 United States Department of Health and Human Services.

5 SECTION 53. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 601-702 of Title 43, unless
7 there is created a duplication in numbering, reads as follows:

8 This article applies only to a support proceeding under the
9 convention. In such a proceeding, if a provision of this article is
10 inconsistent with Articles 1 through 6, this article controls.

11 SECTION 54. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 601-703 of Title 43, unless
13 there is created a duplication in numbering, reads as follows:

14 The Department of Human Services of this state is recognized as
15 the agency designated by the United States central authority to
16 perform specific functions under the convention.

17 SECTION 55. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 601-704 of Title 43, unless
19 there is created a duplication in numbering, reads as follows:

20 A. In a support proceeding under this article, the Oklahoma
21 Department of Human Services of this state shall:

- 22 1. Transmit and receive applications; and
23 2. Initiate or facilitate the institution of a proceeding
24 regarding an application in a tribunal of this state.

1 B. The following support proceedings are available to an
2 obligee under the Convention:

3 1. Recognition or recognition and enforcement of a foreign
4 support order;

5 2. Enforcement of a support order issued or recognized in this
6 state;

7 3. Establishment of a support order if there is no existing
8 order, including, if necessary, determination of parentage of a
9 child;

10 4. Establishment of a support order if recognition of a foreign
11 support order is refused under subparagraph b of paragraph 2 of
12 Section 601-708 of Title 43 of the Oklahoma Statutes or paragraph 4
13 or 9 of Section 601-708 of Title 43 of the Oklahoma Statutes;

14 5. Modification of a support order of a tribunal of this state;
15 and

16 6. Modification of a support order of a tribunal of another
17 state or a foreign country.

18 C. The following support proceedings are available under the
19 convention to an obligor against which there is an existing support
20 order:

21 1. Recognition of an order suspending or limiting enforcement
22 of an existing support order of a tribunal of this state;

23 2. Modification of a support order of a tribunal of this state;
24 and

1 3. Modification of a support order of a tribunal of another
2 state or a foreign country.

3 D. A tribunal of this state may not require security, bond or
4 deposit, however described, to guarantee the payment of costs and
5 expenses in proceedings under the convention.

6 SECTION 56. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 601-705 of Title 43, unless
8 there is created a duplication in numbering, reads as follows:

9 A. A petitioner may file a direct request seeking establishment
10 or modification of a support order or determination of parentage of
11 a child. In the proceeding, the law of this state applies.

12 B. A petitioner may file a direct request seeking recognition
13 and enforcement of a support order or support agreement. In the
14 proceeding, Sections 601-706 through 601-713 of Title 43 of the
15 Oklahoma Statutes apply.

16 C. In a direct request for recognition and enforcement of a
17 Convention support order or foreign support agreement:

18 1. A security, bond or deposit is not required to guarantee the
19 payment of costs and expenses; and

20 2. An obligee or obligor that in the issuing country has
21 benefited from free legal assistance is entitled to benefit, at
22 least to the same extent, from any free legal assistance provided
23 for by the law of this state under the same circumstances.

24

1 D. A petitioner filing a direct request is not entitled to
2 assistance from the governmental entity.

3 E. This article does not prevent the application of laws of
4 this state that provide simplified, more expeditious rules regarding
5 a direct request for recognition and enforcement of a foreign
6 support order or foreign support agreement.

7 SECTION 57. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 601-706 of Title 43, unless
9 there is created a duplication in numbering, reads as follows:

10 A. Except as otherwise provided in this article, a party who is
11 an individual or a support enforcement agency seeking recognition of
12 a convention support order shall register the order in this state as
13 provided in Article 6.

14 B. Notwithstanding Sections 601-311 and subparagraph a of
15 Section 601-602 of Title 43 of the Oklahoma Statutes, a request for
16 registration of a Convention support order must be accompanied by:

17 1. A complete text of the support order or an abstract or
18 extract of the support order drawn up by the issuing foreign
19 tribunal, which may be in the form recommended by the Hague
20 Conference on Private International Law;

21 2. A record stating that the support order is enforceable in
22 the issuing country;

23 3. If the respondent did not appear and was not represented in
24 the proceedings in the issuing country, a record attesting, as

1 appropriate, either that the respondent had proper notice of the
2 proceedings and an opportunity to be heard or that the respondent
3 had proper notice of the support order and an opportunity to be
4 heard in a challenge or appeal on fact or law before a tribunal;

5 4. A record showing the amount of arrears, if any, and the date
6 the amount was calculated;

7 5. A record showing a requirement for automatic adjustment of
8 the amount of support, if any, and the information necessary to make
9 the appropriate calculations; and

10 6. If necessary, a record showing the extent to which the
11 applicant received free legal assistance in the issuing country.

12 C. A request for registration of a convention support order may
13 seek recognition and partial enforcement of the order.

14 D. A tribunal of this state may vacate the registration of a
15 Convention support order without the filing of a contest under
16 Section 601-707 of Title 43 of the Oklahoma Statutes only if, acting
17 on its own motion, the tribunal finds that recognition and
18 enforcement of the order would be manifestly incompatible with
19 public policy.

20 E. The tribunal shall promptly notify the parties of the
21 registration or the order vacating the registration of a convention
22 support order.

23

24

1 SECTION 58. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 601-707 of Title 43, unless
3 there is created a duplication in numbering, reads as follows:

4 A. Except as otherwise provided in this article, Sections 601-
5 605 through 601-608 of Title 43 of the Oklahoma Statutes apply to a
6 contest of a registered convention support order.

7 B. A party contesting a registered convention support order
8 shall file a contest not later than thirty (30) days after notice of
9 the registration, but if the contesting party does not reside in the
10 United States, the contest must be filed not later than sixty (60)
11 days after notice of the registration.

12 C. If the nonregistering party fails to contest the registered
13 convention support order by the time specified in subsection B of
14 this section, the order is enforceable.

15 D. A contest of a registered convention support order may be
16 based only on grounds set forth in Section 601-708 of Title 43 of
17 the Oklahoma Statutes. The contesting party bears the burden of
18 proof.

19 E. In a contest of a registered convention support order, a
20 tribunal of this state:

21 1. Is bound by the findings of fact on which the foreign
22 tribunal based its jurisdiction; and

23 2. May not review the merits of the order.
24

1 F. A tribunal of this state deciding a contest of a registered
2 convention support order shall promptly notify the parties of its
3 decision.

4 G. A challenge or appeal, if any, does not stay the enforcement
5 of a convention support order unless there are exceptional
6 circumstances.

7 SECTION 59. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 601-708 of Title 43, unless
9 there is created a duplication in numbering, reads as follows:

10 A. Except as otherwise provided in subsection B of this
11 section, a tribunal of this state shall recognize and enforce a
12 registered convention support order.

13 B. The following grounds are the only grounds on which a
14 tribunal of this state may refuse recognition and enforcement of a
15 registered convention support order:

16 1. Recognition and enforcement of the order is manifestly
17 incompatible with public policy, including the failure of the
18 issuing tribunal to observe minimum standards of due process, which
19 include notice and an opportunity to be heard;

20 2. The issuing tribunal lacked personal jurisdiction consistent
21 with Section 601-201 of Title 43 of the Oklahoma Statutes;

22 3. The order is not enforceable in the issuing country;

23 4. The order was obtained by fraud in connection with a matter
24 of procedure;

1 5. A record transmitted in accordance with Section 601-706
2 lacks authenticity or integrity;

3 6. A proceeding between the same parties and having the same
4 purpose is pending before a tribunal of this state and that
5 proceeding was the first to be filed;

6 7. The order is incompatible with a more recent support order
7 involving the same parties and having the same purpose if the more
8 recent support order is entitled to recognition and enforcement
9 under this act in this state;

10 8. Payment, to the extent alleged arrears have been paid in
11 whole or in part;

12 9. In a case in which the respondent neither appeared nor was
13 represented in the proceeding in the issuing foreign country:

14 a. if the law of that country provides for prior notice
15 of proceedings, the respondent did not have proper
16 notice of the proceedings and an opportunity to be
17 heard, or

18 b. if the law of that country does not provide for prior
19 notice of the proceedings, the respondent did not have
20 proper notice of the order and an opportunity to be
21 heard in a challenge or appeal on fact or law before a
22 tribunal, or

23 10. The order was made in violation of Section 601-711 of Title
24 43 of the Oklahoma Statutes.

1 C. If a tribunal of this state does not recognize a convention
2 support order under paragraphs 2, 4 or 9 of subsection B of this
3 section:

4 1. The tribunal may not dismiss the proceeding without allowing
5 a reasonable time for a party to request the establishment of a new
6 convention support order; and

7 2. The appropriate governmental entity shall take all
8 appropriate measures to request a child support order for the
9 obligee if the application for recognition and enforcement was
10 received under Section 601-704 of Title 43 of the Oklahoma Statutes.

11 SECTION 60. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 601-709 of Title 43, unless
13 there is created a duplication in numbering, reads as follows:

14 If a tribunal of this state does not recognize and enforce a
15 convention support order in its entirety, it shall enforce any
16 severable part of the order. An application or direct request may
17 seek recognition and partial enforcement of a convention support
18 order.

19 SECTION 61. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 601-710 of Title 43, unless
21 there is created a duplication in numbering, reads as follows:

22 A. Except as otherwise provided in subsections C and D of this
23 section, a tribunal of this state shall recognize and enforce a
24 foreign support agreement registered in this state.

1 B. An application or direct request for recognition and
2 enforcement of a foreign support agreement must be accompanied by:

- 3 1. A complete text of the foreign support agreement; and
- 4 2. A record stating that the foreign support agreement is
5 enforceable as an order of support in the issuing country.

6 C. A tribunal of this state may vacate the registration of a
7 foreign support agreement only if, acting on its own motion, the
8 tribunal finds that recognition and enforcement would be manifestly
9 incompatible with public policy.

10 D. In a contest of a foreign support agreement, a tribunal of
11 this state may refuse recognition and enforcement of the agreement
12 if it finds:

- 13 1. Recognition and enforcement of the agreement is manifestly
14 incompatible with public policy;
- 15 2. The agreement was obtained by fraud or falsification;
- 16 3. The agreement is incompatible with a support order involving
17 the same parties and having the same purpose in this state, another
18 state or a foreign country if the support order is entitled to
19 recognition and enforcement under this act in this state; or
- 20 4. The record submitted under subsection B of this section
21 lacks authenticity or integrity.

22 E. A proceeding for recognition and enforcement of a foreign
23 support agreement must be suspended during the pendency of a
24

1 challenge to or appeal of the agreement before a tribunal of another
2 state or a foreign country.

3 SECTION 62. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 601-711 of Title 43, unless
5 there is created a duplication in numbering, reads as follows:

6 A. A tribunal of this state may not modify a convention child
7 support order if the obligee remains a resident of the foreign
8 country where the support order was issued unless:

9 1. The obligee submits to the jurisdiction of a tribunal of
10 this state, either expressly or by defending on the merits of the
11 case without objecting to the jurisdiction at the first available
12 opportunity; or

13 2. The foreign tribunal lacks or refuses to exercise
14 jurisdiction to modify its support order or issue a new support
15 order.

16 B. If a tribunal of this state does not modify a convention
17 child support order because the order is not recognized in this
18 state, subsection C of Section 601-708 of Title 43 of the Oklahoma
19 Statutes applies.

20 SECTION 63. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 601-712 of Title 43, unless
22 there is created a duplication in numbering, reads as follows:

23

24

1 Personal information gathered or transmitted under this article
2 may be used only for the purposes for which it was gathered or
3 transmitted.

4 SECTION 64. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 601-713 of Title 43, unless
6 there is created a duplication in numbering, reads as follows:

7 A record filed with a tribunal of this state under this article
8 must be in the original language and, if not in English, must be
9 accompanied by an English translation.

10 SECTION 65. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 601-714 of Title 43, unless
12 there is created a duplication in numbering, reads as follows:

13 This act applies to proceedings begun on or after November 1,
14 2015, to establish a support order or determine parentage of a child
15 or to register, recognize, enforce or modify a prior support order,
16 determination or agreement whenever issued or entered.

17 SECTION 66. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 601-903 of Title 43, unless
19 there is created a duplication in numbering, reads as follows:

20 If any provision of this act or its application to any person or
21 circumstance is held invalid, the invalidity does not affect other
22 provisions or applications of this act which can be given effect
23 without the invalid provision or application, and to this end the
24 provisions of this act are severable.

1 SECTION 67. REPEALER 43 O.S. 2011, Section 601-100, is
2 hereby repealed.

3 SECTION 68. This act shall become effective November 1, 2015.

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