

**Introduced by Senator Sher**

February 24, 1997

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An act to repeal and add Chapter 6 (commencing with Section 4800) of Part 5 of Division 9 of the Family Code, relating to family law.

LEGISLATIVE COUNSEL'S DIGEST

SB 568, as introduced, Sher. Uniform Interstate Family Support Act.

Existing law establishes the Uniform Reciprocal Enforcement of Support Act. The act governs the reciprocal enforcement of orders of support made in this state and other states. The act specifies the rights and remedies available to enforce an order for support issued by another state. The act also provides for the registration of support orders issued by another state.

This bill would repeal those provisions and instead enact the Uniform Interstate Family Support Act.

Among other things, the bill would clarify the jurisdiction of this state and another state in cases where both states have issued child support orders with respect to the same obligor and child, and specify the procedure for enforcing or modifying a support order or income withholding order issued in another state.

The bill would also provide for the enforcement of income-withholding orders issued in another state, without requiring that those orders be registered in this state.

By imposing additional duties on local agencies, the bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Chapter 6 (commencing with Section  
2 4800) of Part 5 of Division 9 of the Family Code is  
3 repealed.

4 SEC. 2. Chapter 6 (commencing with Section 4800)  
5 is added to Part 5 of Division 9 of the Family Code, to read:

6  
7 CHAPTER 6. UNIFORM INTERSTATE FAMILY SUPPORT ACT  
8

9  
10 Article 1. General Provisions  
11

12 4800. This chapter shall be known and may be cited  
13 as the Uniform Interstate Family Support Act.

14 4801. As used in this chapter, the following definitions  
15 shall apply:

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

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



1 (3) “Duty of support” means an obligation imposed or  
2 impossible by law to provide support for a child, spouse,  
3 or former spouse, including an unsatisfied obligation to  
4 provide support.

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

13 (5) “Income” includes earnings or other periodic  
14 entitlements to money from any source and any other  
15 property subject to withholding for support under the  
16 laws of this state.

17 (6) “Income-withholding order” means an earnings  
18 assignment order for support, as defined in Section 5208,  
19 or any other order or other legal process directed to an  
20 obligor’s employer, or other debtor, to withhold support  
21 from the income of the obligor.

22 (7) “Initiating state” means a state from which a  
23 proceeding is forwarded or in which a proceeding is filed  
24 for forwarding to a responding state under this chapter or  
25 a law or procedure substantially similar to this chapter, or  
26 under a law or procedure substantially similar to the  
27 Uniform Reciprocal Enforcement of Support Act, or the  
28 Revised Uniform Reciprocal Enforcement of Support  
29 Act.

30 (8) “Initiating tribunal” means the authorized  
31 tribunal in an initiating state.

32 (9) “Issuing state” means the state in which a tribunal  
33 issues a support order or renders a judgment determining  
34 parentage.

35 (10) “Issuing tribunal” means the tribunal that issues  
36 a support order or renders a judgment determining  
37 parentage.

38 (11) “Law” includes decisional and statutory law and  
39 rules and regulations having the force of law.

40 (12) “Obligee” means any of the following:



1 (i) An individual to whom a duty of support is, or is  
2 alleged to be, owed or in whose favor a support order has  
3 been issued or a judgment determining parentage has  
4 been rendered.

5 (ii) A state or political subdivision to which the rights  
6 under a duty of support or support order have been  
7 assigned or which has independent claims based on  
8 financial assistance provided to an individual obligee.

9 (iii) An individual seeking a judgment determining  
10 parentage of the individual's child.

11 (13) "Obligor" means an individual, or the estate of a  
12 decedent:

13 (i) Who owes or is alleged to owe a duty of support.

14 (ii) Who is alleged but has not been adjudicated to be  
15 a parent of a child.

16 (iii) Who is liable under a support order.

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

21 (15) "Registering tribunal" means a tribunal in which  
22 a support order is registered.

23 (16) "Responding state" means a state in which a  
24 proceeding is filed or to which a proceeding is forwarded  
25 for filing from an initiating state under this chapter or a  
26 law substantially similar to this chapter, or under a law or  
27 procedure substantially similar to the Uniform Reciprocal  
28 Enforcement of Support Act, or the Revised Uniform  
29 Reciprocal Enforcement of Support Act.

30 (17) "Responding tribunal" means the authorized  
31 tribunal in a responding state.

32 (18) "Spousal-support order" means a support order  
33 for a spouse or former spouse of the obligor.

34 (19) "State" means a state of the United States, the  
35 District of Columbia, the Commonwealth of Puerto Rico,  
36 or any territory or insular possession subject to the  
37 jurisdiction of the United States. The term "state" also  
38 includes both of the following:

39 (i) An Indian tribe.



1 (ii) A foreign jurisdiction that has enacted a law or  
2 established procedures for issuance and enforcement of  
3 support orders which are substantially similar to the  
4 procedures under this chapter or the procedures under  
5 the Uniform Reciprocal Enforcement of Support Act or  
6 the Revised Uniform Reciprocal Enforcement of Support  
7 Act.

8 (20) “Support enforcement agency” means a public  
9 official or agency authorized to seek any of the following:

10 (i) Enforcement of support orders or laws relating to  
11 the duty of support.

12 (ii) Establishment or modification of child support.

13 (iii) Determination of parentage.

14 (iv) To locate obligors or their assets.

15 (21) “Support order” means a judgment, decree, or  
16 order, whether temporary, final, or subject to  
17 modification, for the benefit of a child, a spouse, or a  
18 former spouse, which provides for monetary support,  
19 health care, arrearages, or reimbursement, and may  
20 include related costs and fees, interest, income  
21 withholding, attorney’s fees, and other relief.

22 (22) “Tribunal” means a court, administrative agency,  
23 or quasi-judicial entity authorized to establish, enforce, or  
24 modify support orders or to determine parentage.

25 4802. A superior court is the tribunal of this state.

26 4803. Remedies provided by this chapter are  
27 cumulative and do not affect the availability of remedies  
28 under other law.

29

30 Article 2. Jurisdiction

31

32 4805. In a proceeding to establish, enforce, or modify  
33 a support order or to determine parentage, a tribunal of  
34 this state may exercise personal jurisdiction over a  
35 nonresident individual or the individual’s guardian or  
36 conservator if any of the following apply:

37 (1) The individual is personally served with a  
38 summons within this state.

39 (2) The individual submits to the jurisdiction of this  
40 state by consent, by entering a general appearance, or by



1 filing a responsive document having the effect of waiving  
2 any contest to personal jurisdiction.

3 (3) The individual resided with the child in this state.

4 (4) The individual resided in this state and provided  
5 prenatal expenses or support for the child.

6 (5) The child resides in this state as a result of the acts  
7 or directives of the individual.

8 (6) The individual engaged in sexual intercourse in  
9 this state and the child may have been conceived by that  
10 act of intercourse.

11 (7) The individual has filed a declaration of paternity  
12 pursuant to Chapter 3 (commencing with Section 7570)  
13 of Part 2 of Division 12.

14 (8) There is any other basis consistent with the  
15 constitutions of this state and the United States for the  
16 exercise of personal jurisdiction.

17 4806. A tribunal of this state exercising personal  
18 jurisdiction over a nonresident under Section 4805 may  
19 apply Section 4830 to receive evidence from another  
20 state, and Section 4832 to obtain discovery through a  
21 tribunal of another state. In all other respects, Articles 3  
22 (commencing with Section 4815) through 7  
23 (commencing with Section 4865), inclusive, do not apply  
24 and the tribunal shall apply the procedural and  
25 substantive law of this state, including the rules on choice  
26 of law other than those established by this chapter.

27 4807. A tribunal of this state may serve as an initiating  
28 tribunal to forward proceedings to another state and as a  
29 responding tribunal for proceedings initiated in another  
30 state.

31 4808. (a) A tribunal of this state may exercise  
32 jurisdiction to establish a support order if the petition or  
33 comparable pleading is filed after a petition or  
34 comparable pleading is filed in another state only if all of  
35 the following circumstances exist:

36 (1) The petition or comparable pleading in this state  
37 is filed before the expiration of the time allowed in the  
38 other state for filing a responsive pleading challenging  
39 the exercise of jurisdiction by the other state.



1 (2) The contesting party timely challenges the  
2 exercise of jurisdiction in the other state.

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

4 (b) A tribunal of this state may not exercise  
5 jurisdiction to establish a support order if the petition or  
6 comparable pleading is filed before a petition or  
7 comparable pleading is filed in another state if all of the  
8 following circumstances exist:

9 (1) The petition or comparable pleading in the other  
10 state is filed before the expiration of the time allowed in  
11 this state for filing a responsive pleading challenging the  
12 exercise of jurisdiction by this state.

13 (2) The contesting party timely challenges the  
14 exercise of jurisdiction in this state.

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

17 4809. (a) A tribunal of this state issuing a support  
18 order consistent with the law of this state has continuing,  
19 exclusive jurisdiction over a child support order:

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

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

27 (b) A tribunal of this state issuing a child support order  
28 consistent with the law of this state may not exercise its  
29 continuing jurisdiction to modify the order if the order  
30 has been modified by a tribunal of another state pursuant  
31 to this chapter or a law substantially similar to this  
32 chapter.

33 (c) If a child support order of this state is modified by  
34 a tribunal of another state pursuant to this chapter or a  
35 law substantially similar to this chapter, a tribunal of this  
36 state loses its continuing, exclusive jurisdiction with  
37 regard to prospective enforcement of the order issued in  
38 this state, and may only do one of the following:

39 (1) Enforce the order that was modified as to amounts  
40 accruing before the modification.



1 (2) Enforce nonmodifiable aspects of that order.

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

5 (d) A tribunal of this state shall recognize the  
6 continuing, exclusive jurisdiction of a tribunal of another  
7 state which has issued a child support order pursuant to  
8 this chapter or a law substantially similar to this chapter.

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

13 (f) A tribunal of this state issuing a support order  
14 consistent with the law of this state has continuing,  
15 exclusive jurisdiction over a spousal support order  
16 throughout the existence of the support obligation. A  
17 tribunal of this state may not modify a spousal support  
18 order issued by a tribunal of another state having  
19 continuing, exclusive jurisdiction over that order under  
20 the law of that state.

21 4810. (a) A tribunal of this state may serve as an  
22 initiating tribunal to request a tribunal of another state to  
23 enforce or modify a support order issued in that state.

24 (b) A tribunal of this state having continuing,  
25 exclusive jurisdiction over a support order may act as a  
26 responding tribunal to enforce or modify the order. If a  
27 party subject to the continuing, exclusive jurisdiction of  
28 the tribunal no longer resides in the issuing state, in  
29 subsequent proceedings the tribunal may apply Section  
30 4830 to receive evidence from another state and Section  
31 4832 to obtain discovery through a tribunal of another  
32 state.

33 (c) A tribunal of this state which lacks continuing,  
34 exclusive jurisdiction over a spousal support order may  
35 not serve as a responding tribunal to modify a spousal  
36 support order of another state.

37 4811. (a) If a proceeding is brought under this  
38 chapter and only one tribunal has issued a child support  
39 order, the order of that tribunal is controlling and shall be  
40 recognized.



1 (b) If a proceeding is brought under this chapter, and  
2 two or more child support orders have been issued by  
3 tribunals of this state or another state with regard to the  
4 same obligor and child, a tribunal of this state shall apply  
5 the following rules in determining which order to  
6 recognize for purposes of continuing, exclusive  
7 jurisdiction:

8 (1) If only one of the tribunals would have continuing,  
9 exclusive jurisdiction under this chapter, the order of that  
10 tribunal is controlling and shall be recognized.

11 (2) If more than one of the tribunals would have  
12 continuing, exclusive jurisdiction under this chapter, an  
13 order issued by a tribunal in the current home state of the  
14 child shall be recognized, but if an order has not been  
15 issued in the current home state of the child, the order  
16 most recently issued is controlling and shall be  
17 recognized.

18 (3) If none of the tribunals would have continuing,  
19 exclusive jurisdiction under this chapter, the tribunal of  
20 this state having jurisdiction over the parties shall issue a  
21 child support order, which is controlling and shall be  
22 recognized.

23 (c) If two or more child support orders have been  
24 issued for the same obligor and child and if the obligor or  
25 the individual obligee resides in this state, a party may  
26 request a tribunal of this state to determine which order  
27 controls and shall be recognized under subdivision (b).  
28 The request shall be accompanied by a certified copy of  
29 every support order in effect. Every party whose rights  
30 may be affected by a determination of the controlling  
31 order shall be given notice of the request for that  
32 determination.

33 (d) The tribunal that issued the order that shall be  
34 recognized as controlling under subdivision (a), (b), or  
35 (c) is the tribunal that has continuing, exclusive  
36 jurisdiction in accordance with Section 4809.

37 (e) A tribunal of this state which determines by order  
38 the identity of the controlling child support order under  
39 paragraphs (1) or (2) of subdivision (b) or which issues  
40 a new controlling child support order under paragraph



1 (3) of subdivision (b) shall include in that order the basis  
2 upon which the tribunal made its determination.

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

12 4812. In responding to multiple registrations or  
13 petitions for enforcement of two or more child support  
14 orders in effect at the same time with regard to the same  
15 obligor and different individual obligees, at least one of  
16 which was issued by a tribunal of another state, a tribunal  
17 of this state shall enforce those orders in the same manner  
18 as if the multiple orders had been issued by a tribunal of  
19 this state.

20 4813. Amounts collected and credited for a particular  
21 period pursuant to a support order issued by a tribunal of  
22 another state shall be credited against the amounts  
23 accruing or accrued for the same period under a support  
24 order issued by the tribunal of this state.

25

### 26 Article 3. Civil Provisions of General Application

27

28 4815. (a) Except as otherwise provided in this  
29 chapter, this article applies to all proceedings under this  
30 chapter.

31 (b) This chapter provides for the following  
32 proceedings:

33 (1) Establishment of an order for spousal support or  
34 child support pursuant to Article 4 (commencing with  
35 Section 4835).

36 (2) Enforcement of a support order and  
37 income-withholding order of another state without  
38 registration pursuant to Article 5 (commencing with  
39 Section 4840).



1 (3) Registration of an order for spousal support or  
2 child support of another state for enforcement pursuant  
3 to Article 6 (commencing with Section 4850).

4 (4) Modification of an order for child support or  
5 spousal support issued by a tribunal of this state pursuant  
6 to Article 2 (commencing with Section 4805).

7 (5) Registration of an order for child support of  
8 another state for modification pursuant to Article 6  
9 (commencing with Section 4850).

10 (6) Determination of parentage pursuant to Article 7  
11 (commencing with Section 4865).

12 (7) Assertion of jurisdiction over nonresidents  
13 pursuant to Article 2 (commencing with Section 4805).

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

21 4816. A minor parent, or a guardian or other legal  
22 representative of a minor parent, may maintain a  
23 proceeding on behalf of or for the benefit of the minor's  
24 child.

25 4817. Except as otherwise provided by this chapter, a  
26 responding tribunal of this state:

27 (a) Shall apply the procedural and substantive law,  
28 including the rules on choice of law, generally applicable  
29 to similar proceedings originating in this state and may  
30 exercise all powers and provide all remedies available in  
31 those proceedings; and

32 (b) Shall determine the duty of support and the  
33 amount payable in accordance with the law and support  
34 guidelines of this state.

35 4818. (a) Upon the filing of a petition authorized by  
36 this chapter, an initiating tribunal of this state shall  
37 forward three copies of the petition and its accompanying  
38 documents:

39 (1) To the responding tribunal or appropriate support  
40 enforcement agency in the responding state; or



1 (2) If the identity of the responding tribunal is  
2 unknown, to the state information agency of the  
3 responding state with a request that they be forwarded  
4 to the appropriate tribunal and that receipt be  
5 acknowledged.

6 (b) If a responding state has not enacted the Uniform  
7 Interstate Family Support Act or a law or procedure  
8 substantially similar to the Uniform Interstate Family  
9 Support Act, a tribunal of this state may issue a certificate  
10 or other documents and make findings required by the  
11 law of the responding state. If the responding state is a  
12 foreign jurisdiction, the tribunal may specify the amount  
13 of support sought and provide other documents  
14 necessary to satisfy the requirements of the responding  
15 state.

16 4819. (a) When a responding tribunal of this state  
17 receives a petition or comparable pleading from an  
18 initiating tribunal or directly pursuant to subdivision (c)  
19 of Section 4815, it shall cause the petition or pleading to  
20 be filed and notify the petitioner where and when it was  
21 filed.

22 (b) A responding tribunal of this state, to the extent  
23 otherwise authorized by law, may do one or more of the  
24 following:

25 (1) Issue or enforce a support order, modify a child  
26 support order, or render a judgment to determine  
27 parentage.

28 (2) Order an obligor to comply with a support order,  
29 specifying the amount and the manner of compliance.

30 (3) Order income withholding.

31 (4) Determine the amount of any arrearages, and  
32 specify a method of payment.

33 (5) Enforce orders by civil or criminal contempt, or  
34 both.

35 (6) Set aside property for satisfaction of the support  
36 order.

37 (7) Place liens and order execution on the obligor's  
38 property.

39 (8) Order an obligor to keep the tribunal informed of  
40 the obligor's current residential address, telephone



1 number, employer, address of employment, and  
2 telephone number at the place of employment.

3 (9) Issue a bench warrant for an obligor who has failed  
4 after proper notice to appear at a hearing ordered by the  
5 tribunal and enter the bench warrant in any local and  
6 state computer systems for criminal warrants.

7 (10) Order the obligor to seek appropriate  
8 employment by specified methods.

9 (11) Award reasonable attorney's fees and other fees  
10 and costs.

11 (12) Grant any other available remedy.

12 (c) A responding tribunal of this state shall include in  
13 a support order issued under this chapter, or in the  
14 documents accompanying the order, the calculations on  
15 which the support order is based.

16 (d) A responding tribunal of this state may not  
17 condition the payment of a support order issued under  
18 this chapter upon compliance by a party with provisions  
19 for visitation.

20 (e) If a responding tribunal of this state issues an order  
21 under this chapter, the tribunal shall send a copy of the  
22 order to the petitioner and the respondent and to the  
23 initiating tribunal, if any.

24 4820. If a petition or comparable pleading is received  
25 by an inappropriate tribunal of this state, it shall forward  
26 the pleading and accompanying documents to an  
27 appropriate tribunal in this state or another state and  
28 notify the petitioner where and when the pleading was  
29 sent.

30 4821. (a) A support enforcement agency of this state,  
31 upon request, shall provide services to a petitioner in a  
32 proceeding under this chapter.

33 (b) A support enforcement agency that is providing  
34 services to the petitioner as appropriate shall:

35 (1) Take all steps necessary to enable an appropriate  
36 tribunal in this state or another state to obtain jurisdiction  
37 over the respondent.

38 (2) Request an appropriate tribunal to set a date, time,  
39 and place for a hearing.



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

4 (4) Within two days, exclusive of Saturdays, Sundays,  
5 and legal holidays, after receipt of a written notice from  
6 an initiating, responding, or registering tribunal, send a  
7 copy of the notice to the petitioner.

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

13 (6) Notify the petitioner if jurisdiction over the  
14 respondent cannot be obtained.

15 (c) This chapter does not create or negate a  
16 relationship of attorney and client or other fiduciary  
17 relationship between a support enforcement agency or  
18 the attorney for the agency and the individual being  
19 assisted by the agency.

20 4822. If the Attorney General determines that the  
21 support enforcement agency is neglecting or refusing to  
22 provide services to an individual, the Attorney General  
23 may order the agency to perform its duties under this  
24 chapter or may provide those services directly to the  
25 individual.

26 4823. An individual may employ private counsel to  
27 represent the individual in proceedings authorized by  
28 this chapter.

29 4824. (a) The Attorney General's Office is the state  
30 information agency under this chapter.

31 (b) The state information agency shall do all of the  
32 following:

33 (1) Compile and maintain a current list, including  
34 addresses, of the tribunals in this state which have  
35 jurisdiction under this chapter and any support  
36 enforcement agencies in this state and transmit a copy to  
37 the state information agency of every other state.

38 (2) Maintain a register of tribunals and support  
39 enforcement agencies received from other states.



1 (3) Forward to the appropriate tribunal in the place in  
2 this state in which the individual obligee or the obligor  
3 resides, or in which the obligor's property is believed to  
4 be located, all documents concerning a proceeding under  
5 this chapter received from an initiating tribunal or the  
6 state information agency of the initiating state.

7 (4) Obtain information concerning the location of the  
8 obligor and the obligor's property within this state not  
9 exempt from execution, by such means as postal  
10 verification and federal or state locator services,  
11 examination of telephone directories, requests for the  
12 obligor's address from employers, and examination of  
13 governmental records, including, to the extent not  
14 prohibited by other law, those relating to real property,  
15 vital statistics, law enforcement, taxation, motor vehicles,  
16 driver's licenses, and social security.

17 4825. (a) A petitioner seeking to establish or modify  
18 a support order or to determine parentage in a  
19 proceeding under this chapter shall verify the petition.  
20 Unless otherwise ordered under Section 4826, the  
21 petition or accompanying documents shall provide, so far  
22 as known, the name, residential address, and social  
23 security numbers of the obligor and the obligee, and the  
24 name, sex, residential address, social security number,  
25 and date of birth of each child for whom support is sought.  
26 The petition shall be accompanied by a certified copy of  
27 any support order in effect. The petition may include any  
28 other information that may assist in locating or  
29 identifying the respondent.

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

35 4826. Upon a finding, which may be made ex parte,  
36 that the health, safety, or liberty of a party or child would  
37 be unreasonably put at risk by the disclosure of  
38 identifying information, or if an existing order so  
39 provides, a tribunal shall order that the address of the  
40 child or party or other identifying information not be



1 disclosed in a pleading or other document filed in a  
2 proceeding under this chapter.

3 4827. (a) The petitioner may not be required to pay  
4 a filing fee or other costs.

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

17 (c) The tribunal shall order the payment of costs and  
18 reasonable attorney's fees if it determines that a hearing  
19 was requested primarily for delay. In a proceeding under  
20 Article 6 (commencing with Section 4850), a hearing is  
21 presumed to have been requested primarily for delay if  
22 a registered support order is confirmed or enforced  
23 without change.

24 4828. (a) Participation by a petitioner in a  
25 proceeding before a responding tribunal, whether in  
26 person, by private attorney, or through services provided  
27 by the support enforcement agency, does not confer  
28 personal jurisdiction over the petitioner in another  
29 proceeding.

30 (b) A petitioner is not amenable to service of civil  
31 process while physically present in this state to  
32 participate in a proceeding under this chapter.

33 (c) The immunity granted by this section does not  
34 extend to civil litigation based on acts unrelated to a  
35 proceeding under this chapter committed by a party  
36 while present in this state to participate in the  
37 proceeding.

38 4829. A party whose parentage of a child has been  
39 previously determined by or pursuant to law may not



1 plead nonparentage as a defense to a proceeding under  
2 this chapter.

3 4830. (a) The physical presence of the petitioner in  
4 a responding tribunal of this state is not required for the  
5 establishment, enforcement, or modification of a support  
6 order or the rendition of a judgment determining  
7 parentage.

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

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

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

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

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

38 (g) If a party called to testify at a civil hearing refuses  
39 to answer on the ground that the testimony may be



1 self-incriminating, the trier of fact may draw an adverse  
2 inference from the refusal.

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

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

9 4831. A tribunal of this state may communicate with  
10 a tribunal of another state in writing, or by telephone or  
11 other means, to obtain information concerning the laws  
12 of that state, the legal effect of a judgment, decree, or  
13 order of that tribunal, and the status of a proceeding in  
14 the other state. A tribunal of this state may furnish similar  
15 information by similar means to a tribunal of another  
16 state.

17 4832. A tribunal of this state may do both of the  
18 following:

19 (1) Request a tribunal of another state to assist in  
20 obtaining discovery.

21 (2) Upon request, compel a person over whom it has  
22 jurisdiction to respond to a discovery order issued by a  
23 tribunal of another state.

24 4833. A support enforcement agency or tribunal of  
25 this state shall disburse promptly any amounts received  
26 pursuant to a support order, as directed by the order. The  
27 agency or tribunal shall furnish to a requesting party or  
28 tribunal of another state a certified statement by the  
29 custodian of the record of the amounts and dates of all  
30 payments received.

31

#### 32 Article 4. Establishment of Support Order

33

34 4835. (a) If a support order entitled to recognition  
35 under this chapter has not been issued, a responding  
36 tribunal of this state may issue a support order if either of  
37 the following conditions apply:

38 (1) The individual seeking the order resides in another  
39 state.



1 (2) The support enforcement agency seeking the  
2 order is located in another state.

3 (b) The tribunal may issue a temporary child support  
4 order if any of the following conditions apply:

5 (1) The respondent has signed a verified statement  
6 acknowledging parentage.

7 (2) The respondent has been determined by or  
8 pursuant to law to be the parent.

9 (3) There is other clear and convincing evidence that  
10 the respondent is the child's parent.

11 (c) Upon finding, after notice and opportunity to be  
12 heard, that an obligor owes a duty of support, the tribunal  
13 shall issue a support order directed to the obligor and may  
14 issue other orders pursuant to Section 4819.

15

16 Article 5. Enforcement of Order of Another State  
17 Without Registration

18

19 4840. An income-withholding order issued in another  
20 state may be sent to the person or entity defined as the  
21 obligor's employer pursuant to Section 5210 without first  
22 filing a petition or comparable pleading or registering the  
23 order with a tribunal of this state.

24 4841. (a) Upon receipt of the order, the obligor's  
25 employer shall immediately provide a copy of the order  
26 to the obligor.

27 (b) The employer shall treat an income withholding  
28 order issued in another state which appears regular on its  
29 face as if it had been issued by a tribunal of this state.

30 (c) Except as provided by subdivision (d) and Section  
31 4842, the employer shall withhold and distribute the  
32 funds as directed in the withholding order by complying  
33 with the terms of the order, as applicable, that specify any  
34 of the following:

35 (1) The duration and the amount of periodic  
36 payments of current child support, stated as a sum  
37 certain.

38 (2) The person or agency designated to receive  
39 payments and the address to which the payments are to  
40 be forwarded.



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

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

9 (5) The amount of periodic payments of arrears and  
10 interest on arrears, stated as sums certain.

11 (d) The employer shall comply with the law of the  
12 state of the obligor's principal place of employment for  
13 withholding from income with respect to the following:

14 (1) The employer's fee for processing an income  
15 withholding order.

16 (2) The maximum amount permitted to be withheld  
17 from the obligor's income.

18 (3) The time periods within which the employer must  
19 implement the withholding order and forward the child  
20 support payment.

21 4842. If the obligor's employer receives multiple  
22 orders to withhold support from the earnings of the same  
23 obligor, the employer shall be deemed to have satisfied  
24 the terms of the multiple orders if the law of the state of  
25 the obligor's principal place of employment to establish  
26 the priorities for withholding and allocating income  
27 withheld for multiple child support obligees is complied  
28 with.

29 4843. An employer who complies with an  
30 income-withholding order issued in another state in  
31 accordance with this article is not subject to civil liability  
32 to any individual or agency with regard to the employer's  
33 withholding child support from the obligor's income.

34 4844. An employer who willfully fails to comply with  
35 an income-withholding order issued by another state and  
36 received for enforcement is subject to the same penalties  
37 that may be imposed for noncompliance with an order  
38 issued by a tribunal of this state.

39 4845. (a) An obligor may contest the validity or  
40 enforcement of an income-withholding order issued in



1 another state and received directly by an employer in this  
2 state in the same manner as if the order had been issued  
3 by a tribunal of this state. Section 4853 applies to the  
4 contest.

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

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

8 (2) Each employer which has directly received an  
9 income-withholding order; and

10 (3) The person or agency designated to receive  
11 payments in the income-withholding order; or if no other  
12 person or agency is designated, to the obligee.

13 4846. (a) A party seeking to enforce a support order  
14 or an income-withholding order, or both, issued by a  
15 tribunal of another state may send the documents  
16 required for registering the order to a support  
17 enforcement agency of this state.

18 (b) Upon receipt of the documents, the support  
19 enforcement agency, without initially seeking to register  
20 the order, shall consider and, if appropriate, use any  
21 administrative procedure authorized by the law of this  
22 state to enforce a support order or an income-withholding  
23 order, or both. If the obligor does not contest  
24 administrative enforcement, the order need not be  
25 registered. If the obligor contests the validity or  
26 administrative enforcement of the order, the support  
27 enforcement agency shall register the order pursuant to  
28 this chapter.

29

30 Article 6. Enforcement and Modification of Support  
31 Order After Registration

32

33 4850. A support order or an income-withholding  
34 order issued by a tribunal of another state may be  
35 registered in this state for enforcement.

36 4851. (a) A support order or income-withholding  
37 order of another state may be registered in this state by  
38 sending the following documents and information to the  
39 appropriate tribunal in this state:



1 (1) A letter of transmittal to the tribunal requesting  
2 registration and enforcement.

3 (2) Two copies, including one certified copy, of all  
4 orders to be registered, including any modification of an  
5 order.

6 (3) A sworn statement by the party seeking  
7 registration or a certified statement by the custodian of  
8 the records showing the amount of any arrearage.

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

10 (i) The obligor's address and social security number.

11 (ii) The name and address of the obligor's employer  
12 and any other source of income of the obligor.

13 (iii) A description and the location of property of the  
14 obligor in this state not exempt from execution.

15 (5) The name and address of the obligee and, if  
16 applicable, the agency or person to whom support  
17 payments are to be remitted.

18 (b) On receipt of a request for registration, the  
19 registering tribunal shall cause the order to be filed as a  
20 foreign judgment, together with one copy of the  
21 documents and information, regardless of their form.

22 (c) A petition or comparable pleading seeking a  
23 remedy that must be affirmatively sought under other  
24 law of this state may be filed at the same time as the  
25 request for registration or later. The pleading shall specify  
26 the grounds for the remedy sought.

27 4852. (a) A support order or income-withholding  
28 order issued in another state is registered when the order  
29 is filed in the registering tribunal of this state.

30 (b) A registered order issued in another state is  
31 enforceable in the same manner and is subject to the  
32 same procedures as an order issued by a tribunal of this  
33 state.

34 (c) Except as otherwise provided in this article, a  
35 tribunal of this state shall recognize and enforce, but may  
36 not modify, a registered order if the issuing tribunal had  
37 jurisdiction.

38 4853. (a) The law of the issuing state governs the  
39 nature, extent, amount, and duration of current



1 payments and other obligations of support and the  
2 payment of arrearages under the order.

3 (b) In a proceeding for arrearages, the statute of  
4 limitation under the laws of this state or of the issuing  
5 state, whichever is longer, applies.

6 4854. (a) When a support order or  
7 income-withholding order issued in another state is  
8 registered, the registering tribunal shall notify the  
9 nonregistering party. The notice shall be accompanied by  
10 a copy of the registered order and the documents and  
11 relevant information accompanying the order.

12 (b) The notice shall inform the nonregistering party:

13 (1) That a registered order is enforceable as of the date  
14 of registration in the same manner as an order issued by  
15 a tribunal of this state.

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

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

26 (4) Of the amount of any alleged arrearages.

27 (c) Upon registration of an income-withholding order  
28 for enforcement, the registering tribunal shall notify the  
29 obligor's employer pursuant to Chapter 8 (commencing  
30 with Section 5200).

31 4855. (a) A nonregistering party seeking to contest  
32 the validity or enforcement of a registered order in this  
33 state shall request a hearing within 20 days after notice of  
34 the registration. The nonregistering party may seek to  
35 vacate the registration, to assert any defense to an  
36 allegation of noncompliance with the registered order, or  
37 to contest the remedies being sought or the amount of any  
38 alleged arrearages pursuant to Section 4856.



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

4 (c) If a nonregistering party requests a hearing to  
5 contest the validity or enforcement of the registered  
6 order, the registering tribunal shall schedule the matter  
7 for hearing and give notice to the parties of the date, time,  
8 and place of the hearing.

9 4856. (a) A party contesting the validity or  
10 enforcement of a registered order or seeking to vacate  
11 the registration has the burden of proving one or more of  
12 the following defenses:

13 (1) The issuing tribunal lacked personal jurisdiction  
14 over the contesting party.

15 (2) The order was obtained by fraud.

16 (3) The order has been vacated, suspended, or  
17 modified by a later order.

18 (4) The issuing tribunal has stayed the order pending  
19 appeal.

20 (5) There is a defense under the law of this state to the  
21 remedy sought.

22 (6) Full or partial payment has been made.

23 (7) The statute of limitation under Section 4853  
24 precludes enforcement of some or all of the arrearages.

25 (b) If a party presents evidence establishing a full or  
26 partial defense under subdivision (a), a tribunal may stay  
27 enforcement of the registered order, continue the  
28 proceeding to permit production of additional relevant  
29 evidence, and issue other appropriate orders. An  
30 uncontested portion of the registered order may be  
31 enforced by all remedies available under the law of this  
32 state.

33 (c) If the contesting party does not establish a defense  
34 under subdivision (a) to the validity or enforcement of  
35 the order, the registering tribunal shall issue an order  
36 confirming the order.

37 4857. Confirmation of a registered order, whether by  
38 operation of law or after notice and hearing, precludes  
39 further contest of the order with respect to any matter  
40 that could have been asserted at the time of registration.



1 4858. A party or support enforcement agency seeking  
2 to modify, or to modify and enforce, a child support order  
3 issued in another state shall register that order in this state  
4 in the same manner provided in this article if the order  
5 has not been registered. A petition for modification may  
6 be filed at the same time as a request for registration, or  
7 later. The pleading shall specify the grounds for  
8 modification.

9 4859. A tribunal of this state may enforce a child  
10 support order of another state registered for purposes of  
11 modification, in the same manner as if the order had been  
12 issued by a tribunal of this state, but the registered order  
13 may be modified only if the requirements of Section 4860  
14 have been met.

15 4860. (a) After a child support order issued in  
16 another state has been registered in this state, unless the  
17 provisions of Section 4862 apply the responding tribunal  
18 of this state may modify that order only if, after notice and  
19 hearing, it finds that:

20 (1) The following requirements are met:

21 (i) The child, the individual obligee, and the obligor do  
22 not reside in the issuing state.

23 (ii) A petitioner who is a nonresident of this state seeks  
24 modification.

25 (iii) The respondent is subject to the personal  
26 jurisdiction of the tribunal of this state.

27 (2) An individual party or the child is subject to the  
28 personal jurisdiction of the tribunal and all of the  
29 individual parties have filed a written consent in the  
30 issuing tribunal providing that a tribunal of this state may  
31 modify the support order and assume continuing,  
32 exclusive jurisdiction over the order. However, if the  
33 issuing state is a foreign jurisdiction which has not  
34 enacted the Uniform Interstate Family Support Act, the  
35 written consent of the individual party residing in this  
36 state is not required for the tribunal to assume jurisdiction  
37 to modify the child support order.

38 (b) Modification of a registered child support order is  
39 subject to the same requirements, procedures, and  
40 defenses that apply to the modification of an order issued



1 by a tribunal of this state and the order may be enforced  
2 and satisfied in the same manner.

3 (c) A tribunal of this state may not modify any aspect  
4 of a child support order that may not be modified under  
5 the law of the issuing state. If two or more tribunals have  
6 issued child support orders for the same obligor and child,  
7 the order that is controlling and shall be recognized  
8 under the provisions of Section 4811 establishes the  
9 nonmodifiable aspects of the support order.

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

14 4861. A tribunal of this state shall recognize a  
15 modification of its earlier child support order by a  
16 tribunal of another state which assumed jurisdiction  
17 pursuant to this chapter or a law substantially similar to  
18 this chapter and, upon request, except as otherwise  
19 provided in this chapter, shall:

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

22 (2) Enforce only nonmodifiable aspects of that order;

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

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

28 4862. (a) If all of the individual parties reside in this  
29 state and the child does not reside in the issuing state, a  
30 tribunal of this state has jurisdiction to enforce and to  
31 modify the issuing state's child support order in a  
32 proceeding to register that order.

33 (b) A tribunal of this state exercising jurisdiction as  
34 provided in this section shall apply the provisions of  
35 Articles 1 (commencing with Section 4800) and 2  
36 (commencing with Section 4805), and this article to the  
37 enforcement or modification proceeding. Articles 3  
38 (commencing with Section 4815) through 5  
39 (commencing with Section 4840), inclusive, and Articles  
40 7 (commencing with Section 4865) and 8 (commencing



1 with Section 4870) do not apply and the tribunal shall  
2 apply the procedural and substantive law of this state.

3 4863. Within 30 days after issuance of a modified child  
4 support order, the party obtaining the modification shall  
5 file a certified copy of the order with the issuing tribunal  
6 which had continuing, exclusive jurisdiction over the  
7 earlier order, and in each tribunal in which the party  
8 knows that earlier order has been registered. Failure of  
9 the party obtaining the order to file a certified copy as  
10 required subjects that party to appropriate sanctions by  
11 a tribunal in which the issue of failure to file arises, but  
12 that failure has no effect on the validity or enforceability  
13 of the modified order of the new tribunal of continuing,  
14 exclusive jurisdiction.

15  
16 Article 7. Determination of Parentage

17  
18 4865. (a) A tribunal of this state may serve as an  
19 initiating or responding tribunal in a proceeding brought  
20 under this chapter or a law or procedure substantially  
21 similar to this chapter, or under a law or procedure  
22 substantially similar to the Uniform Reciprocal  
23 Enforcement of Support Act, or the Revised Uniform  
24 Reciprocal Enforcement of Support Act to determine  
25 that the petitioner is a parent of a particular child or to  
26 determine that a respondent is a parent of that child.

27 (b) In a proceeding to determine parentage, a  
28 responding tribunal of this state shall apply the Uniform  
29 Parentage Act (Part 3 (commencing with Section 7600)  
30 of Division 12), procedural and substantive law of this  
31 state, and the rules of this state on choice of law.

32  
33 Article 8. Interstate Rendition

34  
35 4870. (a) For purposes of this article, “governor”  
36 includes an individual performing the functions of  
37 governor or the executive authority of a state covered by  
38 this chapter.

39 (b) The Governor of this state may:

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

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

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

14 4871. (a) Before making a demand that the governor  
15 of another state surrender an individual charged  
16 criminally in this state with having failed to provide for  
17 the support of an obligee, the Governor of this state may  
18 require a prosecutor of this state to demonstrate that at  
19 least 60 days previously the obligee had initiated  
20 proceedings for support pursuant to this chapter or that  
21 the proceeding would be of no avail.

22 (b) If, under this chapter or a law substantially similar  
23 to this chapter, the Uniform Reciprocal Enforcement of  
24 Support Act, or the Revised Uniform Reciprocal  
25 Enforcement of Support Act, the governor of another  
26 state makes a demand that the Governor of this state  
27 surrender an individual charged criminally in that state  
28 with having failed to provide for the support of a child or  
29 other individual to whom a duty of support is owed, the  
30 Governor may require a prosecutor to investigate the  
31 demand and report whether a proceeding for support has  
32 been initiated or would be effective. If it appears that a  
33 proceeding would be effective but has not been initiated,  
34 the Governor may delay honoring the demand for a  
35 reasonable time to permit the initiation of a proceeding.

36 (c) If a proceeding for support has been initiated and  
37 the individual whose rendition is demanded prevails, the  
38 Governor may decline to honor the demand. If the  
39 petitioner prevails and the individual whose rendition is  
40 demanded is subject to a support order, the Governor



1 may decline to honor the demand if the individual is  
2 complying with the support order.

3

4

Article 9. Miscellaneous Provisions

5

6 4875. This chapter shall be applied and construed to  
7 effectuate its general purpose to make uniform the law  
8 with respect to the subject of this chapter among states  
9 enacting it.

10 4876. If any provision of this chapter or its application  
11 to any person or circumstance is held invalid, the  
12 invalidity does not affect other provisions or applications  
13 of this chapter which can be given effect without the  
14 invalid provision or application, and to this end the  
15 provisions of this chapter are severable.

16 SEC. 3. Notwithstanding Section 17610 of the  
17 Government Code, if the Commission on State Mandates  
18 determines that this act contains costs mandated by the  
19 state, reimbursement to local agencies and school  
20 districts for those costs shall be made pursuant to Part 7  
21 (commencing with Section 17500) of Division 4 of Title  
22 2 of the Government Code. If the statewide cost of the  
23 claim for reimbursement does not exceed one million  
24 dollars (\$1,000,000), reimbursement shall be made from  
25 the State Mandates Claims Fund.

26 Notwithstanding Section 17580 of the Government  
27 Code, unless otherwise specified, the provisions of this act  
28 shall become operative on the same date that the act  
29 takes effect pursuant to the California Constitution.

O

