

By: Harris S.B. No. 1805
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COMMITTEE SUBSTITUTE FOR S.B. No. 1805 By: Harris

A BILL TO BE ENTITLED
AN ACT

relating to the enforcement of child support obligations, including interstate enforcement.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 154.004, Family Code, is amended to read as follows:

Sec. 154.004. PLACE OF PAYMENT. (a) The court shall order the payment of child support to ~~[a local registry, the Title IV-D agency, or]~~ the state disbursement unit~~[,]~~ as provided by Chapter 234~~[, as added by Chapter 911, Acts of the 75th Legislature, Regular Session, 1997]~~.

(b) In a Title IV-D case, the court or the Title IV-D agency shall order that income withheld for child support be paid~~[-~~

~~[(1) to the Title IV-D agency through a local registry, which shall forward the payment to the Title IV-D agency;~~

~~[(2) to the Title IV-D agency; or~~

~~[(3)] to the state disbursement unit of this state or, if appropriate, to the state disbursement unit of another state.~~

(c) This section does not apply to a child support order that:

(1) was initially rendered by a court before January 1, 1994; and

(2) is not being enforced by the Title IV-D agency.

SECTION 2. Section 158.502, Family Code, is amended by adding Subsection (d) to read as follows:

(d) The Title IV-D agency may issue an administrative writ of withholding to direct child support payments to the state disbursement unit of another state.

SECTION 3. Subchapter B, Chapter 159, Family Code, is amended to read as follows:

SUBCHAPTER B. GENERAL PROVISIONS

Sec. 159.101. SHORT TITLE. This chapter may be cited as the Uniform Interstate Family Support Act.

Sec. 159.102. DEFINITIONS. In this chapter:

(1) "Child" means an individual, whether over or under the age of majority, who:

(A) is or is alleged to be owed a duty of support by the individual's parent; or

(B) is or is alleged to be the beneficiary of a support order directed to the parent.

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

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

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

(5) "Income" includes earnings or other periodic

entitlements to money from any source and any other property subject to withholding for support under the law of this state.

(6) "Income-withholding order" means an order or other legal process directed to an obligor's employer, as provided in Chapter 158, to withhold support from the income of the obligor.

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

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

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

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

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

(12) "Obligee" means:

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

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

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

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

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

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

(C) who is liable under a support order.

(14) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, instrumentality, public corporation, or any other legal or commercial entity.

(15) "Record" means information that is:

(A) inscribed on a tangible medium or stored in an electronic or other medium; and

(B) retrievable in a perceivable form.

(16) "Register" means to file a support order or judgment determining parentage in the registry of foreign support orders.

(17) ~~[(15)]~~ "Registering tribunal" means a tribunal in which a support order is registered.

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

(19) ~~[(17)]~~ "Responding tribunal" means the authorized tribunal in a responding state.

(20) ~~[(18)]~~ "Spousal support order" means a support order for a spouse or former spouse of the obligor.

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

(A) an Indian tribe; and

(B) a foreign country or political subdivision ~~[jurisdiction]~~ that has:

(i) been declared to be a foreign

reciprocating country or political subdivision under federal law;
 (ii) established a reciprocal arrangement
 for child support with this state as provided by Section 159.308; or
 (iii) enacted a law or established
 procedures for issuance and enforcement of support orders that are
 substantially similar to the procedures under this chapter[~~the~~
~~Uniform Reciprocal Enforcement of Support Act, or the Revised~~
~~Uniform Reciprocal Enforcement of Support Act].~~

(22) [~~20~~] "Support enforcement agency" means a
 public official or agency authorized to seek:

(A) enforcement of support orders or laws
 relating to the duty of support;

(B) establishment or modification of child
 support;

(C) determination of parentage; [~~or~~]

(D) the location of obligors or their assets; or

(E) determination of the controlling child
support order.

"Support enforcement agency" does not include a
 domestic relations office unless that office has entered into a
 cooperative agreement with the Title IV-D agency to perform duties
 under this chapter.

(23) [~~21~~] "Support order" means a judgment, decree,
 or order, whether temporary, final, or subject to modification, for
 the benefit of a child, a spouse, or a former spouse that provides
 for monetary support, health care, arrearages, or reimbursement and
 may include related costs and fees, interest, income withholding,
 attorney's fees, and other relief.

(24) [~~22~~] "Tribunal" means a court, administrative
 agency, or quasi-judicial entity authorized to establish, enforce,
 or modify support orders or to determine parentage.

Sec. 159.103. [~~159.102.~~] TRIBUNAL OF STATE. The court is
 the tribunal of this state.

Sec. 159.104. [~~159.103.~~] REMEDIES CUMULATIVE.
 (a) Remedies provided in this chapter are cumulative and do not
 affect the availability of remedies under other law, including the
recognition of a support order of a foreign country or political
subdivision on the basis of comity.

(b) This chapter does not:

(1) provide the exclusive method of establishing or
enforcing a support order under the law of this state; or

(2) grant a tribunal of this state jurisdiction to
render a judgment or issue an order relating to child custody or
visitation in a proceeding under this chapter.

SECTION 4. Section 159.201, Family Code, is amended to read
 as follows:

Sec. 159.201. BASES FOR JURISDICTION OVER NONRESIDENT.
 (a) In a proceeding to establish or [~~7~~] enforce [~~7~~, or modify] a
 support order or to determine parentage, a tribunal of this state
 may exercise personal jurisdiction over a nonresident individual or
 the individual's guardian or conservator if:

(1) the individual is personally served with citation
 in this state;

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

(3) the individual resided with the child in this
 state;

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

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

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

(7) the individual asserted parentage in the paternity
 registry maintained in this state by the bureau of vital
 statistics; or

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

(b) A tribunal of this state may not use the bases of personal jurisdiction listed in Subsection (a) or in any other law of this state to acquire personal jurisdiction to modify a child support order of another state unless the requirements of Section 159.611 or 159.615 are satisfied.

SECTION 5. Section 159.202, Family Code, is amended to read as follows:

Sec. 159.202. DURATION OF PERSONAL [PROCEDURE WHEN EXERCISING] JURISDICTION [OVER NONRESIDENT]. Personal [A tribunal of this state exercising personal] jurisdiction acquired by a tribunal of this state in a proceeding under this chapter or other law of this state relating to a support order continues as long as the [over a nonresident under Section 159.201 may apply Section 159.316 to receive evidence from another state and Section 159.318 to obtain discovery through a] tribunal has continuing, exclusive jurisdiction to modify its order or continuing jurisdiction to enforce its order under Sections 159.205, 159.206, and 159.211 [of another state]. [In all other respects, Subchapters D-H do not apply and the tribunal shall apply the procedural and substantive law of this state, including the rules on choice of law other than those established by this chapter.]

SECTION 6. The heading to Section 159.204, Family Code, is amended to read as follows:

Sec. 159.204. SIMULTANEOUS PROCEEDINGS [IN ANOTHER STATE].

SECTION 7. The heading to Section 159.205, Family Code, is amended to read as follows:

Sec. 159.205. CONTINUING, EXCLUSIVE JURISDICTION TO MODIFY CHILD SUPPORT ORDER.

SECTION 8. Subsections (a), (b), (c), and (d), Section 159.205, Family Code, are amended to read as follows:

(a) A tribunal of this state that has issued [issuing] a child support order consistent with the law of this state has and shall exercise continuing, exclusive jurisdiction to modify its [over a child support] order if the order is the controlling order and:

(1) at the time a request for modification is filed, [as long as] this state is [remains] the state of residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued; or

(2) [until all of] the parties consent in a record or in open court that the [who are individuals have filed written consents with the] tribunal of this state may continue to exercise jurisdiction [for a tribunal of another state] to modify its [the] order [and assume continuing, exclusive jurisdiction].

(b) A tribunal of this state that has issued [issuing] a child support order consistent with the law of this state may not exercise [its] continuing, exclusive jurisdiction to modify the order if:

(1) each party who is an individual files a consent in a record with the tribunal of this state that a tribunal of another state that has jurisdiction over at least one of the parties who is an individual or that is located in the state of residence of the child may modify the order and assume continuing, exclusive jurisdiction; or

(2) the order is not the controlling order [the order has been modified by a tribunal of another state under a law substantially similar to this chapter].

(c) A tribunal of this state shall recognize the continuing, exclusive jurisdiction of a tribunal of another state if the [If a child support order of this state is modified by a] tribunal of the other [another] state has issued a child support order that modifies a child support order of a tribunal of this state under a law substantially similar to this chapter[, a tribunal of this state loses its continuing, exclusive jurisdiction with regard to prospective enforcement of the order issued in this state and may only:

5-1 ~~[(1) enforce the order that was modified as to amounts~~
 5-2 ~~accruing before the modification;~~
 5-3 ~~[(2) enforce nonmodifiable aspects of that order; and~~
 5-4 ~~[(3) provide other appropriate relief for violations~~
 5-5 ~~of that order that occurred before the effective date of the~~
 5-6 ~~modification].~~

5-7 (d) A tribunal of this state that does not have ~~[shall~~
 5-8 ~~recognize the]~~ continuing, exclusive jurisdiction to modify a child
 5-9 support order may serve as an initiating tribunal to request ~~[of] a~~
 5-10 tribunal of another state to modify a ~~[that issued a child]~~ support
 5-11 order issued in that state ~~[under a law substantially similar to~~
 5-12 ~~this chapter].~~

5-13 SECTION 9. Section 159.206, Family Code, is amended to read
 5-14 as follows:

5-15 Sec. 159.206. ~~[ENFORCEMENT AND MODIFICATION OF SUPPORT~~
 5-16 ~~ORDER BY TRIBUNAL HAVING]~~ CONTINUING JURISDICTION TO ENFORCE CHILD
 5-17 SUPPORT ORDER. (a) A tribunal of this state that has issued a
 5-18 child support order consistent with the law of this state may serve
 5-19 as an initiating tribunal to request a tribunal of another state to
 5-20 enforce:

5-21 (1) the order, if the order:
 5-22 (A) is the controlling order; and
 5-23 (B) has not been modified by a tribunal of
 5-24 another state that assumed jurisdiction under the Uniform
 5-25 Interstate Family Support Act; or
 5-26 (2) a money judgment for support arrearages and
 5-27 interest on the order accrued before a determination that an order
 5-28 of another state is the controlling order ~~[or modify a support order~~
 5-29 ~~issued in that state].~~

5-30 (b) A tribunal of this state having continuing~~[, exclusive]~~
 5-31 jurisdiction over a support order may act as a responding tribunal
 5-32 to enforce ~~[or modify]~~ the order. ~~[If a party subject to the~~
 5-33 ~~tribunal's continuing, exclusive jurisdiction no longer resides in~~
 5-34 ~~the issuing state, in subsequent proceedings the tribunal may apply~~
 5-35 ~~Section 159.316 to receive evidence from another state and Section~~
 5-36 ~~159.318 to obtain discovery through a tribunal of another state.~~

5-37 ~~[(c) A tribunal of this state that lacks continuing,~~
 5-38 ~~exclusive jurisdiction over a spousal support order may not serve~~
 5-39 ~~as a responding tribunal to modify a spousal support order of~~
 5-40 ~~another state.]~~

5-41 SECTION 10. The heading to Section 159.207, Family Code, is
 5-42 amended to read as follows:

5-43 Sec. 159.207. DETERMINATION ~~[RECOGNITION]~~ OF CONTROLLING
 5-44 CHILD SUPPORT ORDER.

5-45 SECTION 11. Section 159.207, Family Code, is amended by
 5-46 amending Subsections (b) through (f) and adding Subsections (g) and
 5-47 (h) to read as follows:

5-48 (b) If a proceeding is brought under this chapter and two or
 5-49 more child support orders have been issued by tribunals of this
 5-50 state or another state with regard to the same obligor and same
 5-51 child, a tribunal of this state having personal jurisdiction over
 5-52 both the obligor and individual obligee shall apply the following
 5-53 rules to determine by order ~~[in determining]~~ which order controls
 5-54 [to recognize for purposes of continuing, exclusive jurisdiction]:

5-55 (1) if only one of the tribunals would have
 5-56 continuing, exclusive jurisdiction under this chapter, the order of
 5-57 that tribunal controls and must be so recognized;

5-58 (2) if more than one of the tribunals would have
 5-59 continuing, exclusive jurisdiction under this chapter:

5-60 (A) [7] an order issued by a tribunal in the
 5-61 current home state of the child controls if an order is issued in
 5-62 the current home state of the child; or

5-63 (B) the order most recently issued controls ~~[and~~
 5-64 ~~must be so recognized, but]~~ if an order has not been issued in the
 5-65 current home state of the child ~~[, the order most recently issued~~
 5-66 ~~controls and must be so recognized]; and~~

5-67 (3) if none of the tribunals would have continuing,
 5-68 exclusive jurisdiction under this chapter, the tribunal of this
 5-69 state ~~[having jurisdiction over the parties]~~ shall issue a child

support order that controls ~~[and must be so recognized]~~.

(c) If two or more child support orders have been issued for the same obligor and same child ~~[and if the obligor or the individual obligee resides in this state]~~, on request of a party who is an individual or a support enforcement agency, [may request] a tribunal of this state having personal jurisdiction over both the obligor and the obligee who is an individual shall [to] determine which order controls [and must be so recognized] under Subsection (b). The request may be filed:

(1) with a registration for enforcement or registration for modification under Subchapter G; or

(2) as a separate proceeding [must be accompanied by a certified copy of every support order in effect. The requesting party shall give notice of the request to each party whose rights may be affected by the determination].

(d) A request to determine the controlling order must be accompanied by a copy of each child support order in effect and the applicable record of payments. The requesting party shall give notice of the request to each party whose rights may be affected by the determination.

(e) The tribunal that issued the controlling order under Subsection (a), (b), or (c) [is the tribunal that] has continuing[~~exclusive~~] jurisdiction to the extent provided under Section 159.205 or 159.206.

(f) ~~[(e)]~~ A tribunal of this state that determines by order which order is [the identity of] the controlling order under Subsection (b)(1) or (2) or Subsection (c) or that issues a new controlling order under Subsection (b)(3) shall state in that order:

(1) the basis upon which the tribunal made its determination;

(2) the amount of prospective child support, if any; and

(3) the total amount of consolidated arrearages and accrued interest, if any, under the orders after all payments are credited under Section 159.209.

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

(h) An order that has been determined to be the controlling order, or a judgment for consolidated support arrearages and interest issued under this section, must be recognized in a proceeding under this chapter.

SECTION 12. Subchapter C, Chapter 159, Family Code, is amended by amending Sections 159.208 and 159.209 and adding Sections 159.210 and 159.211 to read as follows:

Sec. 159.208. ~~[MULTIPLE]~~ CHILD SUPPORT ORDERS FOR TWO OR MORE OBLIGEEES. In responding to ~~[multiple]~~ registrations or petitions for enforcement of two or more child support orders in effect at the same time with regard to the same obligor and different individual obligees, at least one of which was issued by a tribunal of another state, a tribunal of this state shall enforce those orders in the same manner as if the ~~[multiple]~~ orders had been issued by a tribunal of this state.

Sec. 159.209. CREDIT FOR PAYMENTS. A tribunal of this state shall credit amounts [Amounts] collected [and credited] for a particular period under a support order [issued by a tribunal of another state must be credited] against the amounts owed [accruing or accrued] for the same period under any other child [a] support order for support of the same child issued by a [the] tribunal of this or another state.

Sec. 159.210. APPLICABILITY TO NONRESIDENT SUBJECT TO

PERSONAL JURISDICTION. (a) Except as provided by Subsection (b), Subchapters D-H do not apply to a tribunal of this state exercising personal jurisdiction over a nonresident in a proceeding under this chapter or under other law of this state relating to a support order or recognizing a support order of a foreign country or political subdivision on the basis of comity. The tribunal shall apply the procedural and substantive law of this state in a proceeding described by this subsection.

(b) Notwithstanding Subsection (a), a tribunal of this state exercising personal jurisdiction over a nonresident in a proceeding under this chapter or under other law of this state relating to a support order or recognizing a support order of a foreign country or political subdivision on the basis of comity may:

(1) receive evidence from another state as provided by Section 159.316;

(2) communicate with a tribunal of another state as provided by Section 159.317; and

(3) obtain discovery through a tribunal of another state as provided by Section 159.318.

Sec. 159.211. CONTINUING, EXCLUSIVE JURISDICTION TO MODIFY SPOUSAL SUPPORT ORDER. (a) A tribunal of this state issuing a spousal support order consistent with the law of this state has continuing, exclusive jurisdiction to modify the spousal support order throughout the existence of the support obligation.

(b) A tribunal of this state may not modify a spousal support order issued by a tribunal of another state having continuing, exclusive jurisdiction over that order under the law of that state.

(c) A tribunal of this state that has continuing, exclusive jurisdiction over a spousal support order may serve as:

(1) an initiating tribunal to request a tribunal of another state to enforce the spousal support order issued in this state; or

(2) a responding tribunal to enforce or modify its own spousal support order.

SECTION 13. Subsection (c), Section 159.301, Family Code, is amended to read as follows:

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

SECTION 14. The heading to Section 159.302, Family Code, is amended to read as follows:

Sec. 159.302. PROCEEDING ~~[ACTION]~~ BY MINOR PARENT.

SECTION 15. Sections 159.303 and 159.304, Family Code, are amended to read as follows:

Sec. 159.303. APPLICATION OF LAW OF STATE. Except as otherwise provided in this chapter, a responding tribunal of this state shall:

(1) apply the procedural and substantive law ~~including the rules on choice of law,~~ generally applicable to similar proceedings originating in this state and may exercise all powers and provide all remedies available in those proceedings; and

(2) determine the duty of support and the amount payable in accordance with the law and support guidelines of this state.

Sec. 159.304. DUTIES OF INITIATING TRIBUNAL. (a) On the filing of a petition authorized by this chapter, an initiating tribunal of this state shall forward ~~three copies of~~ the petition and its accompanying documents:

(1) to the responding tribunal or appropriate support enforcement agency in the responding state; or

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

(b) ~~If requested by the responding tribunal, a [responding state has not enacted the Uniform Interstate Family Support Act or a law or procedure substantially similar to that Act, a]~~ tribunal of this state shall ~~[may]~~ issue a certificate or other document and make findings required by the law of the responding state. If the responding state is a foreign country or political subdivision ~~[jurisdiction]~~, the tribunal shall ~~[may]~~ specify the amount of support sought, convert that amount into the equivalent amount in the foreign currency under the applicable official or market exchange rate as publicly reported, and provide any other documents necessary to satisfy the requirements of the responding state.

SECTION 16. Section 159.305, Family Code, is amended by amending Subsection (b) and adding Subsection (f) to read as follows:

(b) Except as prohibited by other law, a [A] responding tribunal of this state~~[, to the extent otherwise authorized by law,]~~ may do one or more of the following:

(1) issue or enforce a support order, modify a child support order, determine the controlling child support order, or ~~[render a judgment to]~~ determine parentage;

(2) order an obligor to comply with a support order and specify the amount and the manner of compliance;

(3) order income withholding;

(4) determine the amount of any arrearages and specify a method of payment;

(5) enforce orders by civil or criminal contempt, or both;

(6) set aside property for satisfaction of the support order;

(7) place liens and order execution on the obligor's property;

(8) order an obligor to keep the tribunal informed of the obligor's current residential address, telephone number, employer, address of employment, and telephone number at the place of employment;

(9) issue a bench warrant or capias for an obligor who has failed after proper notice to appear at a hearing ordered by the tribunal and enter the bench warrant or capias in any local and state computer systems for criminal warrants;

(10) order the obligor to seek appropriate employment by specified methods;

(11) award reasonable attorney's fees and other fees and costs; and

(12) grant any other available remedy.

(f) If requested to enforce a support order, arrearages, or a judgment or to modify a support order stated in a foreign currency, a responding tribunal of this state shall convert the amount stated in the foreign currency to the equivalent amount in dollars under the applicable official or market exchange rate as publicly reported.

SECTION 17. Section 159.307, Family Code, is amended by amending Subsections (b) and (c) and adding Subsections (d), (e), and (f) to read as follows:

(b) A support enforcement agency of this state that provides services to the petitioner ~~[as appropriate]~~ shall:

(1) take all steps necessary to enable an appropriate tribunal in this state or another state to obtain jurisdiction over the respondent;

(2) request an appropriate tribunal to set a date, time, and place for a hearing;

(3) make a reasonable effort to obtain all relevant information, including information as to income and property of the parties;

(4) not later than the second day, excluding Saturdays, Sundays, and legal holidays, after the date of receipt of a written notice in a record from an initiating, responding, or registering tribunal, send a copy of the notice to the petitioner;

(5) not later than the second day, excluding Saturdays, Sundays, and legal holidays, after the date of receipt

of a written communication in a record from the respondent or the respondent's attorney, send a copy of the communication to the petitioner; and

(6) notify the petitioner if jurisdiction over the respondent cannot be obtained.

(c) A support enforcement agency of this state that requests registration of a child support order in this state for enforcement or for modification shall make reasonable efforts to ensure that:

(1) the order to be registered is the controlling order; or

(2) a request for a determination of which order is the controlling order is made in a tribunal having jurisdiction to make the determination, if two or more child support orders have been issued and a determination of the controlling order has not been made.

(d) A support enforcement agency of this state that requests registration and enforcement of a support order, arrearages, or a judgment stated in a foreign currency shall convert the amount stated in the foreign currency to the equivalent amount in dollars under the applicable official or market exchange rate as publicly reported.

(e) A support enforcement agency of this state shall issue, or request a tribunal of this state to issue, a child support order and an income-withholding order that redirects payment of current support, arrearages, and interest if requested to do so by a support enforcement agency of another state under Section 159.319.

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

SECTION 18. Section 159.308, Family Code, is amended to read as follows:

Sec. 159.308. DUTY OF CERTAIN STATE OFFICIALS ~~[ATTORNEY GENERAL]~~. (a) If the attorney general determines that the support enforcement agency is neglecting or refusing to provide services to an individual, the attorney general may order the agency to perform its duties under this chapter or may provide those services directly to the individual.

(b) The governor may determine that a foreign country or political subdivision has established a reciprocal arrangement for child support with this state and take appropriate action for notification of the determination.

SECTION 19. Subsection (b), Section 159.310, Family Code, is amended to read as follows:

(b) The state information agency shall:

(1) compile and maintain a current list, including addresses, of the tribunals in this state that have jurisdiction under this chapter and any support enforcement agencies in this state and send a copy to the state information agency of every other state;

(2) maintain a register of names and addresses of tribunals and support enforcement agencies received from other states;

(3) forward to the appropriate tribunal in the county ~~[place]~~ in this state where the ~~[individual]~~ obligee who is an individual or the obligor resides, or where the obligor's property is believed to be located, all documents concerning a proceeding under this chapter received from an initiating tribunal or the state information agency of the initiating state; and

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

SECTION 20. Subsection (a), Section 159.311, Family Code,

is amended to read as follows:

(a) In a proceeding under this chapter, a [A] petitioner seeking to establish [or modify] a support order, [or] to determine parentage, or to register and modify a support order of another state [in a proceeding under this chapter] must file a [verify the] petition. Unless otherwise ordered under Section 159.312, the petition or accompanying documents must provide, so far as known, the name, residential address, and social security numbers of the obligor and the obligee or the parent and alleged parent and the name, sex, residential address, social security number, and date of birth of each child for whose benefit [whom] support is sought or whose parentage is to be determined. Unless filed at the time of registration, the [The] petition must be accompanied by a [certified] copy of any support order known to have been issued by another tribunal [in effect]. The petition may include any other information that may assist in locating or identifying the respondent.

SECTION 21. Section 159.312, Family Code, is amended to read as follows:

Sec. 159.312. NONDISCLOSURE OF INFORMATION IN EXCEPTIONAL CIRCUMSTANCES. If a party alleges in an affidavit or pleading under oath [On a finding, which may be made ex parte,] that the health, safety, or liberty of a party or child would be jeopardized [unreasonably put at risk] by [the] disclosure of specific identifying information regarding the party or the child, the identifying information shall be sealed and may not be disclosed to the other party or to the public. After a hearing in which a tribunal considers the health, safety, or liberty of the party or the child, the [or if an existing order so provides, a] tribunal may [shall] order disclosure of [that the address of the child or party or other identifying] information if the tribunal determines that the disclosure serves the interests of justice [not be disclosed in a pleading or other document filed in a proceeding under this chapter].

SECTION 22. Subsection (a), Section 159.314, Family Code, is amended to read as follows:

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

SECTION 23. Subsections (a), (b), (e), and (f), Section 159.316, Family Code, are amended to read as follows:

(a) The physical presence of a nonresident party who is an individual [the petitioner] in a [responding] tribunal of this state is not required for the establishment, enforcement, or modification of a support order or the rendition of a judgment determining parentage.

(b) An [A verified petition,] affidavit, a document substantially complying with federally mandated forms, or [and] a document incorporated by reference in an affidavit or document, that would [the petition, affidavit, or document,] not be [excluded] under the hearsay rule if given in person, is [are] admissible in evidence if given under penalty of perjury [oath] by a party or witness residing in another state.

(e) Documentary evidence transmitted [sent] from another state to a tribunal of this state by telephone, telecopier, or another means that does not provide an original record [writing] may not be excluded from evidence on an objection based on the means of transmission.

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

SECTION 24. Section 159.317, Family Code, is amended to read as follows:

11-1 Sec. 159.317. COMMUNICATIONS BETWEEN TRIBUNALS. A tribunal
 11-2 of this state may communicate with a tribunal of another state or of
 11-3 a foreign country or political subdivision in a record [writing],
 11-4 by telephone, or by other [another] means, to obtain information
 11-5 concerning the laws [of that state], the legal effect of a judgment,
 11-6 decree, or order of that tribunal, and the status of a proceeding in
 11-7 the other state, foreign country, or political subdivision. A
 11-8 tribunal of this state may furnish similar information by similar
 11-9 means to a tribunal of another state or of a foreign country or
 11-10 political subdivision.

11-11 SECTION 25. Section 159.319, Family Code, is amended to
 11-12 read as follows:

11-13 Sec. 159.319. RECEIPT AND DISBURSEMENT OF PAYMENTS. (a) A
 11-14 support enforcement agency or tribunal of this state shall disburse
 11-15 promptly any amounts received under a support order, as directed by
 11-16 the order. The agency or tribunal shall furnish to a requesting
 11-17 party or tribunal of another state a certified statement by the
 11-18 custodian of the record of the amounts and dates of all payments
 11-19 received.

11-20 (b) If the obligor, the obligee who is an individual, and
 11-21 the child do not reside in this state, on request from the support
 11-22 enforcement agency of this state or another state, the support
 11-23 enforcement agency of this state or a tribunal of this state shall:

11-24 (1) direct that the support payment be made to the
 11-25 support enforcement agency in the state in which the obligee is
 11-26 receiving services; and

11-27 (2) issue and send to the obligor's employer a
 11-28 conforming income-withholding order or an administrative notice of
 11-29 change of payee reflecting the redirected payments.

11-30 (c) The support enforcement agency of this state on
 11-31 receiving redirected payments from another state under a law
 11-32 similar to Subsection (b) shall provide to a requesting party or a
 11-33 tribunal of the other state a certified statement by the custodian
 11-34 of the record of the amount and dates of all payments received.

11-35 SECTION 26. Subsection (b), Section 159.401, Family Code,
 11-36 is amended to read as follows:

11-37 (b) The tribunal may issue a temporary child support order
 11-38 if the tribunal determines that the order is appropriate and the
 11-39 individual ordered to pay is:

11-40 (1) a presumed father of the child [the respondent has
 11-41 signed a verified statement acknowledging parentage];

11-42 (2) a man petitioning to have his paternity
 11-43 adjudicated [the respondent has been determined by or under law to
 11-44 be the parent]; [or]

11-45 (3) a man identified as the father of the child through
 11-46 genetic testing;

11-47 (4) an alleged father who has declined to submit to
 11-48 genetic testing;

11-49 (5) a man shown by clear and convincing evidence to be
 11-50 the father of the child;

11-51 (6) an acknowledged father as provided by applicable
 11-52 state law;

11-53 (7) the mother of the child; or

11-54 (8) an individual who has been ordered to pay child
 11-55 support in a previous proceeding and the order has not been reversed
 11-56 or vacated [there is other clear and convincing evidence that the
 11-57 respondent is the child's parent].

11-58 SECTION 27. Section 159.501, Family Code, is amended to
 11-59 read as follows:

11-60 Sec. 159.501. EMPLOYER'S RECEIPT OF INCOME-WITHHOLDING
 11-61 ORDER OF ANOTHER STATE. An income-withholding order issued in
 11-62 another state may be sent by or on behalf of the obligee or by the
 11-63 support enforcement agency to the person defined as [to] the
 11-64 obligor's employer under Chapter 158 without first filing a
 11-65 petition or comparable pleading or registering the order with a
 11-66 tribunal of this state.

11-67 SECTION 28. Subsection (c), Section 159.502, Family Code,
 11-68 is amended to read as follows:

11-69 (c) Except as otherwise provided in Subsection (d) and

Section 159.503, the employer shall withhold and distribute the funds as directed in the withholding order by complying with terms of the order that specify:

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

(2) the person ~~[or agency]~~ designated to receive payments and the address to which the payments are to be forwarded;

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

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

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

SECTION 29. Section 159.503, Family Code, is amended to read as follows:

Sec. 159.503. EMPLOYER'S COMPLIANCE WITH TWO OR MORE ~~[MULTIPLE]~~ INCOME-WITHHOLDING ORDERS. If an obligor's employer receives two or more ~~[multiple]~~ income-withholding orders with respect to the earnings of the same obligor, the employer satisfies the terms of the ~~[multiple]~~ orders if the employer complies with the law of the state of the obligor's principal place of employment to establish the priorities for withholding and allocating income withheld for two or more ~~[multiple]~~ child support obligees.

SECTION 30. Section 159.506, Family Code, is amended to read as follows:

Sec. 159.506. CONTEST BY OBLIGOR. (a) An obligor may contest the validity or enforcement of an income-withholding order issued in another state and received directly by an employer in this state by registering the order in a tribunal of this state and:

(1) filing a contest to that order under Subchapter G;
or

(2) contesting the order in the same manner as if the order had been issued by a tribunal of this state. ~~[Section 159.604 applies to the contest.]~~

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

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

(2) each employer that has directly received an income-withholding order relating to the obligor; and

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

SECTION 31. Subsection (a), Section 159.507, Family Code, is amended to read as follows:

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

SECTION 32. The heading to Subchapter G, Chapter 159, Family Code, is amended to read as follows:

SUBCHAPTER G. REGISTRATION, ENFORCEMENT, AND MODIFICATION OF SUPPORT ORDER ~~[AFTER REGISTRATION]~~

SECTION 33. Section 159.602, Family Code, is amended by amending Subsection (a) and adding Subsections (d) and (e) to read as follows:

(a) A support order or income-withholding order of another state may be registered in this state by sending to the appropriate tribunal in this state:

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

(2) two copies, including one certified copy, of the order ~~[all orders]~~ to be registered, including any modification of the ~~[an]~~ order;

(3) a sworn statement by the person requesting ~~[party seeking]~~ registration or a certified statement by the custodian of

the records showing the amount of any arrearage;

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

(A) the obligor's address and social security number;

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

(C) a description of and the location of property of the obligor in this state not exempt from execution; and

(5) except as otherwise provided by Section 159.312, the name of the obligee and, if applicable, the [agency or] person to whom support payments are to be remitted.

(d) If two or more orders are in effect, the person requesting registration shall:

(1) provide to the tribunal a copy of each support order and the documents specified in this section;

(2) identify the order alleged to be the controlling order, if any; and

(3) state the amount of consolidated arrearages, if any.

(e) A request for a determination of which order is the controlling order may be filed separately from or with a request for registration and enforcement or for registration and modification. The person requesting registration shall give notice of the request to each party whose rights may be affected by the determination.

SECTION 34. Section 159.604, Family Code, is amended to read as follows:

Sec. 159.604. CHOICE OF LAW. (a) Except as provided by Subsection (d), the [The] law of the issuing state governs:

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

(2) [and other obligations of support and] the computation and payment of arrearages and accrual of interest on the arrearages under the support order; and

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

(b) In a proceeding for arrearages under a registered support order, the statute of limitation [under the laws] of this state or of the issuing state, whichever [statute of limitation] is longer, applies.

(c) A responding tribunal in this state shall apply the procedures and remedies of this state to enforce current support and collect arrearages and interest due on a support order of another state registered in this state.

(d) After a tribunal of this or another state determines which order is the controlling order and issues an order consolidating arrearages, if any, the tribunal of this state shall prospectively apply the law of the state issuing the controlling order, including that state's law on interest on arrearages, current and future support, and consolidated arrearages.

SECTION 35. Section 159.605, Family Code, is amended by amending Subsections (b) and (c) and adding Subsection (d) to read as follows:

(b) A [The] notice under this section must inform the nonregistering party:

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

(2) that a hearing to contest the validity or enforcement of the registered order must be requested within 20 days after notice;

(3) that failure to contest the validity or enforcement of the registered order in a timely manner:

(A) will result in confirmation of the order and enforcement of the order and the alleged arrearages; and

(B) precludes further contest of that order with respect to any matter that could have been asserted; and

(4) of the amount of any alleged arrearages.

(c) If the registering party asserts that two or more orders are in effect, the notice under this section must also:

14-1 (1) identify:
 14-2 (A) the orders, including which order is alleged
 14-3 by the registering person to be the controlling order; and
 14-4 (B) the consolidated arrearages, if any;
 14-5 (2) notify the nonregistering party of the right to a
 14-6 determination of which order is the controlling order;
 14-7 (3) state that the procedures provided in Subsection
 14-8 (b) apply to the determination of which order is the controlling
 14-9 order; and
 14-10 (4) state that failure to contest the validity or
 14-11 enforcement of the order alleged to be the controlling order in a
 14-12 timely manner may result in confirmation that the order is the
 14-13 controlling order.

14-14 (d) On registration of an income-withholding order for
 14-15 enforcement, the registering tribunal shall notify the obligor's
 14-16 employer under Chapter 158.

14-17 SECTION 36. Subsection (a), Section 159.607, Family Code,
 14-18 is amended to read as follows:

14-19 (a) A party contesting the validity or enforcement of a
 14-20 registered order or seeking to vacate the registration has the
 14-21 burden of proving one or more of the following defenses:

14-22 (1) the issuing tribunal lacked personal jurisdiction
 14-23 over the contesting party;

14-24 (2) the order was obtained by fraud;

14-25 (3) the order has been vacated, suspended, or modified
 14-26 by a later order;

14-27 (4) the issuing tribunal has stayed the order pending
 14-28 appeal;

14-29 (5) there is a defense under the law of this state to
 14-30 the remedy sought;

14-31 (6) full or partial payment has been made; ~~or~~

14-32 (7) the statute of limitation under Section 159.604
 14-33 precludes enforcement of some or all of the alleged arrearages; or

14-34 (8) the alleged controlling order is not the
 14-35 controlling order.

14-36 SECTION 37. Section 159.610, Family Code, is amended to
 14-37 read as follows:

14-38 Sec. 159.610. EFFECT OF REGISTRATION FOR MODIFICATION. A
 14-39 tribunal of this state may enforce a child support order of another
 14-40 state registered for purposes of modification in the same manner as
 14-41 if the order had been issued by a tribunal of this state, but the
 14-42 registered order may be modified only if the requirements of
 14-43 Section 159.611, 159.613, or 159.615 have been met.

14-44 SECTION 38. Section 159.611, Family Code, is amended by
 14-45 amending Subsections (a), (c), and (d) and adding Subsection (e) to
 14-46 read as follows:

14-47 (a) Except as provided by Section 159.615, on petition a
 14-48 tribunal of this state may modify ~~[After]~~ a child support order
 14-49 issued in another state and ~~[has been]~~ registered in this state~~;~~
 14-50 ~~the responding tribunal of this state may modify the order~~ only if
 14-51 Section 159.613 does not apply and after notice and hearing the
 14-52 tribunal finds that:

14-53 (1) the following requirements are met:

14-54 (A) the child, the ~~[individual]~~ obligee who is an
 14-55 individual, and the obligor do not reside in the issuing state;

14-56 (B) a petitioner who is a nonresident of this
 14-57 state seeks modification; and

14-58 (C) the respondent is subject to the personal
 14-59 jurisdiction of the tribunal of this state; or

14-60 (2) this state is the state of residence of the child
 14-61 and the child, or a party who is an individual, is subject to the
 14-62 personal jurisdiction of the tribunal of this state and all of the
 14-63 parties who are individuals have filed in a record in the issuing
 14-64 tribunal ~~[written]~~ consents for a tribunal of this state to modify
 14-65 the support order and assume continuing, exclusive jurisdiction
 14-66 ~~[over the order, however, for the purposes of this subdivision, if~~
 14-67 ~~the issuing state is a foreign jurisdiction that has not enacted a~~
 14-68 ~~law or established procedures substantially similar to the~~
 14-69 ~~procedures under this chapter, the consent otherwise required of an~~

~~individual residing in this state is not required for the tribunal to assume jurisdiction to modify the child support order].~~

(c) Except as provided by Section 159.615, a [A] tribunal of this state may not modify any aspect of a child support order, including the duration of the obligation of support, that may not be modified under the law of the issuing state. If two or more tribunals have issued child support orders for the same obligor and same child, the order that controls and must be [so] recognized under Section 159.207 establishes the aspects of the support order that are nonmodifiable.

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

(e) In a proceeding to modify a child support order, the law of the state that is determined to have issued the initial controlling order governs the duration of the obligation of support. The obligor's fulfillment of the duty of support established by that order precludes imposition of a further obligation of support by a tribunal of this state.

SECTION 39. Section 159.612, Family Code, is amended to read as follows:

Sec. 159.612. RECOGNITION OF ORDER MODIFIED IN ANOTHER STATE. If a child support order issued by a [A] tribunal of this state is modified [shall recognize a modification of its earlier child support order] by a tribunal of another state that assumed jurisdiction under the Uniform Interstate Family Support Act, a tribunal of this state [under a law substantially similar to this chapter and, except as otherwise provided in this chapter, shall on request]:

(1) may enforce the order that was modified only as to arrearages and interest [amounts] accruing before the modification;

(2) may [enforce only nonmodifiable aspects of the order,

[~~(3)~~] provide [other] appropriate relief [only] for violations [a violation] of the order that occurred before the effective date of the modification; and

(3) shall [~~(4)~~] recognize the modifying order of the other state, on registration, for the purpose of enforcement.

SECTION 40. Subchapter G, Chapter 159, Family Code, is amended by adding Section 159.615 to read as follows:

Sec. 159.615. JURISDICTION TO MODIFY CHILD SUPPORT ORDER OF FOREIGN COUNTRY OR POLITICAL SUBDIVISION. (a) If a foreign country or political subdivision that is a state refuses to modify its order or may not under its law modify its order, a tribunal of this state may assume jurisdiction to modify the child support order and bind all individuals subject to the personal jurisdiction of the tribunal regardless of whether:

(1) consent to modification of a child support order has been given under Section 159.611; or

(2) the individual seeking modification is a resident of this state or of the foreign country or political subdivision.

(b) An order issued under this section is the controlling order.

SECTION 41. Section 159.701, Family Code, is amended to read as follows:

Sec. 159.701. PROCEEDING TO DETERMINE PARENTAGE. [~~(a)~~] A court [tribunal] of this state authorized to determine the parentage of a child may serve as a [an initiating or] responding tribunal in a proceeding to determine parentage brought under this chapter or a law substantially similar to this chapter[, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act to determine that the petitioner is a parent of a particular child or to determine that a respondent is a parent of that child].

[~~(b)~~] In a proceeding to determine parentage, a responding tribunal of this state shall apply the procedural and substantive law of this state and the rules of this state on choice of law.]

SECTION 42. Subsection (b), Section 159.801, Family Code, is amended to read as follows:

(b) The governor of this state may:

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

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

SECTION 43. Subsection (b), Section 159.802, Family Code, is amended to read as follows:

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

SECTION 44. Section 159.901, Family Code, is amended to read as follows:

Sec. 159.901. UNIFORMITY OF APPLICATION AND CONSTRUCTION. In applying and construing this chapter, consideration must be given to the need to promote uniformity of ~~[This chapter shall be applied and construed to effectuate its general purpose to make uniform]~~ the law with respect to the subject matter of this chapter ~~[enacting it]~~ among states that enact a law similar to this chapter.

SECTION 45. Section 234.007, Family Code, is amended by adding Subsection (f) to read as follows:

(f) The notice under Subsection (b) may be used by the Title IV-D agency to redirect child support payments from the state disbursement unit of this state to the state disbursement unit of another state.

SECTION 46. Subsection (f), Section 159.205, Subsection (b), Section 159.301, and Section 159.902, Family Code, are repealed.

SECTION 47. (a) The changes in law made by this Act to Section 154.004, Family Code, apply only to a court order or a portion of a decree that provides for the support of a child that is rendered on or after the effective date of this Act. An order or decree rendered before the effective date of this Act is governed by the law in effect on the date the order or decree was rendered, and the former law is continued in effect for that purpose.

(b) Except as provided by Subsection (a) of this section, the changes in law made by this Act apply only to an interstate proceeding to establish, modify, or enforce a support obligation or to determine parentage began on or after the effective date of this Act. A proceeding begun before the effective date is governed by the law in effect on the date the proceeding began, and the former law is continued in effect for that purpose.

SECTION 48. This Act takes effect September 1, 2003.

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