

By: Smithee

H.B. No. 3538

A BILL TO BE ENTITLED

AN ACT

relating to the adoption of the Uniform Interstate Family Support Act of 2008.

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

SECTION 1. Section 159.102, Family Code, is amended to read as follows:

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 or foreign country.

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

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

(5) "Foreign country" means a country, including a political subdivision thereof, other than the United States, that

1 authorizes the issuance of support orders and:

2 (A) which has been declared under the law of the
3 United States to be a foreign reciprocating country;

4 (B) which has established a reciprocal
5 arrangement for child support with this state as provided in
6 Section 159.308;

7 (C) which has enacted a law or established
8 procedures for the issuance and enforcement of support orders which
9 are substantially similar to the procedures under this chapter; or

10 (D) in which the Convention is in force with
11 respect to the United States.

12 (6) "Foreign support order" means a support order of a
13 foreign tribunal.

14 (7) "Foreign tribunal" means a court, administrative
15 agency, or quasi-judicial entity of a foreign country which is
16 authorized to establish, enforce, or modify support orders or to
17 determine parentage of a child. The term includes a competent
18 authority under the Convention.

19 (8) [~~4~~] "Home state" means the state or foreign
20 country in which a child lived with a parent or a person acting as
21 parent for at least six consecutive months immediately preceding
22 the time of filing of a petition or a comparable pleading for
23 support and, if a child is less than six months old, the state or
24 foreign country in which the child lived from birth with any of them
25 [~~with a parent or a person acting as parent from the time of birth~~].

26 A period of temporary absence of any of them is counted as part of
27 the six-month or other period.

1 (9) [~~(5)~~] "Income" includes earnings or other
2 periodic entitlements to money from any source and any other
3 property subject to withholding for support under the law of this
4 state.

5 (10) [~~(6)~~] "Income-withholding order" means an order
6 or other legal process directed to an obligor's employer, as
7 provided in Chapter 158, to withhold support from the income of the
8 obligor.

9 (11) [~~(7)~~] "~~Initiating state~~" means ~~a state from which~~
10 ~~a proceeding is forwarded or in which a proceeding is filed for~~
11 ~~forwarding to a responding state under this chapter or a law or~~
12 ~~procedure substantially similar to this chapter.~~

13 ~~(8)~~ "Initiating tribunal" means the ~~[authorized]~~
14 tribunal of a state or foreign country from which a petition or
15 comparable pleading is forwarded or a petition or comparable
16 pleading is filed for forwarding to another state or foreign
17 country [~~in an initiating state~~].

18 (12) "Issuing foreign country" means the foreign
19 country in which a tribunal issues a support order or a judgment
20 determining parentage of a child.

21 (13) [~~(9)~~] "Issuing state" means the state in which a
22 tribunal issues a support order or [~~renders~~] a judgment determining
23 parentage of a child.

24 (14) [~~(10)~~] "Issuing tribunal" means the tribunal of a
25 state or foreign country that issues a support order or [~~renders~~] a
26 judgment determining parentage of a child.

27 (15) [~~(11)~~] "Law" includes decisional and statutory

1 law and rules and regulations having the force of law.

2 (16) [~~(12)~~] "Obligee" means:

3 (A) an individual to whom a duty of support is or
4 is alleged to be owed or in whose favor a support order [~~has been~~
5 ~~issued~~] or a judgment determining parentage of a child has been
6 issued [~~rendered~~];

7 (B) a foreign country, state, or political
8 subdivision of a state to which the rights under a duty of support
9 or support order have been assigned or that has independent claims
10 based on financial assistance provided to an individual obligee in
11 place of child support; [~~or~~]

12 (C) an individual seeking a judgment determining
13 parentage of the individual's child; or

14 (D) a person that is a creditor in a proceeding
15 under Subchapter H.

16 (17) [~~(13)~~] "Obligor" means an individual, or the
17 estate of a decedent, that:

18 (A) [~~who~~] owes or is alleged to owe a duty of
19 support;

20 (B) [~~who~~] is alleged but has not been adjudicated
21 to be a parent of a child; [~~or~~]

22 (C) [~~who~~] is liable under a support order; or

23 (D) is a debtor in a proceeding under Subchapter
24 H.

25 (18) "Outside this state" means a location in another
26 state or a country other than the United States, whether or not the
27 country is a foreign country.

1 (19) [~~(14)~~] "Person" means an individual,
2 corporation, business trust, estate, trust, partnership, limited
3 liability company, association, joint venture, public corporation,
4 government or [~~7~~] governmental subdivision, agency, or
5 instrumentality, [~~public corporation,~~] or any other legal or
6 commercial entity.

7 (20) [~~(15)~~] "Record" means information that is:

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

10 (B) retrievable in a perceivable form.

11 (21) [~~(16)~~] "Register" means to file in a tribunal of
12 this state a support order or judgment determining parentage of a
13 child issued in another state or a [~~in the registry of~~] foreign
14 country [~~support orders~~].

15 (22) [~~(17)~~] "Registering tribunal" means a tribunal
16 in which a support order or judgment determining parentage of a
17 child is registered.

18 (23) [~~(18)~~] "Responding state" means a state in which
19 a petition or comparable pleading for support or to determine
20 parentage of a child [~~proceeding~~] is filed or to which a petition or
21 comparable pleading [~~proceeding~~] is forwarded for filing from
22 another [~~an initiating~~] state or a foreign country [~~under this~~
23 ~~chapter or a law or procedure substantially similar to this~~
24 ~~chapter~~].

25 (24) [~~(19)~~] "Responding tribunal" means the
26 authorized tribunal in a responding state or foreign country.

27 (25) [~~(20)~~] "Spousal support order" means a support

1 order for a spouse or former spouse of the obligor.

2 (26) [~~(21)~~] "State" means a state of the United
3 States, the District of Columbia, Puerto Rico, the United States
4 Virgin Islands, or any territory or insular possession subject to
5 the jurisdiction of the United States. The term includes [+

6 [~~(A)~~] an Indian nation or tribe [~~, and~~

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

9 [~~(i)~~] ~~been declared to be a foreign~~
10 ~~reciprocating country or political subdivision under federal law,~~

11 [~~(ii)~~] ~~established a reciprocal arrangement~~
12 ~~for child support with this state as provided by Section 159.308, or~~

13 [~~(iii)~~] ~~enacted a law or established~~
14 ~~procedures for issuance and enforcement of support orders that are~~
15 ~~substantially similar to the procedures under this chapter].~~

16 (27) [~~(22)~~] "Support enforcement agency" means a
17 public official, governmental entity, or private agency authorized
18 to [~~seek~~]:

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

21 (B) seek establishment or modification of child
22 support;

23 (C) request determination of parentage of a
24 child;

25 (D) attempt to locate [~~the location of~~] obligors
26 or their assets; or

27 (E) request determination of the controlling

1 child support order.

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

6 (28) [~~(23)~~] "Support order" means a judgment, decree,
7 order, decision, or directive, whether temporary, final, or subject
8 to modification, issued in a state or foreign country [~~by a~~
9 ~~tribunal~~] for the benefit of a child, a spouse, or a former spouse
10 that provides for monetary support, health care, arrearages,
11 retroactive support, or reimbursement for financial assistance
12 provided to an individual obligee in place of child support. The
13 term [~~and~~] may include related costs and fees, interest, income
14 withholding, automatic adjustment, reasonable attorney's fees, and
15 other relief.

16 (29) [~~(24)~~] "Tribunal" means a court, administrative
17 agency, or quasi-judicial entity authorized to establish, enforce,
18 or modify support orders or to determine parentage of a child.

19 SECTION 2. Section 159.103, Family Code, is amended to read
20 as follows:

21 Sec. 159.103. STATE TRIBUNAL AND SUPPORT ENFORCEMENT AGENCY
22 [~~OF STATE~~]. (a) The court is the tribunal of this state.

23 (b) The office of the attorney general is the support
24 enforcement agency of this state.

25 SECTION 3. Sections 159.104(a) and (b), Family Code, are
26 amended to read as follows:

27 (a) Remedies provided by [~~in~~] this chapter are cumulative

1 and do not affect the availability of remedies under other law or [~~7~~
2 ~~including~~] the recognition of a foreign support order [~~of a foreign~~
3 ~~country or political subdivision~~] on the basis of comity.

4 (b) This chapter does not:

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

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

10 SECTION 4. Subchapter B, Chapter 159, Family Code, is
11 amended by adding Section 159.105 to read as follows:

12 Sec. 159.105. APPLICATION OF CHAPTER TO RESIDENT OF FOREIGN
13 COUNTRY AND FOREIGN SUPPORT PROCEEDING. (a) A tribunal of this
14 state shall apply Subchapters B through G and, as applicable,
15 Subchapter H to a support proceeding involving:

16 (1) a foreign support order;

17 (2) a foreign tribunal; or

18 (3) an obligee, obligor, or child residing in a
19 foreign country.

20 (b) A tribunal of this state that is requested to recognize
21 and enforce a support order on the basis of comity may apply the
22 procedural and substantive provisions of Subchapters B through G.

23 (c) Subchapter H applies only to a support proceeding under
24 the Convention. In such a proceeding, if a provision of Subchapter H
25 is inconsistent with Subchapters B through G, Subchapter H
26 controls.

27 SECTION 5. Section 159.201, Family Code, is amended to read

1 as follows:

2 Sec. 159.201. BASES FOR JURISDICTION OVER NONRESIDENT. (a)
3 In a proceeding to establish or enforce a support order or to
4 determine parentage of a child, a tribunal of this state may
5 exercise personal jurisdiction over a nonresident individual or the
6 individual's guardian or conservator if:

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

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

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

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

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

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

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

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

1 (b) The [~~A tribunal of this state may not use the~~] bases of
2 personal jurisdiction listed in Subsection (a) or in any other law
3 of this state may not be used to acquire personal jurisdiction for a
4 tribunal of this state to modify a child support order of another
5 state unless the requirements of Section 159.611 are met, or, in the
6 case of a foreign support order, unless the requirements of Section
7 159.615 are met [~~or 159.615 are satisfied~~].

8 SECTION 6. Section 159.202, Family Code, is amended to read
9 as follows:

10 Sec. 159.202. DURATION OF PERSONAL JURISDICTION. Personal
11 jurisdiction acquired by a tribunal of this state in a proceeding
12 under this chapter or other law of this state relating to a support
13 order continues as long as the tribunal of this state has
14 continuing, exclusive jurisdiction to modify its order or
15 continuing jurisdiction to enforce its order as provided by [~~under~~]
16 Sections 159.205, 159.206, and 159.211.

17 SECTION 7. Section 159.203, Family Code, is amended to read
18 as follows:

19 Sec. 159.203. INITIATING AND RESPONDING TRIBUNAL OF STATE.
20 Under this chapter, a tribunal of this state may serve as an
21 initiating tribunal to forward proceedings to a tribunal of another
22 state and as a responding tribunal for proceedings initiated in
23 another state or a foreign country.

24 SECTION 8. Section 159.204, Family Code, is amended to read
25 as follows:

26 Sec. 159.204. SIMULTANEOUS PROCEEDINGS. (a) A tribunal of
27 this state may exercise jurisdiction to establish a support order

1 if the petition or comparable pleading is filed after a pleading is
2 filed in another state or a foreign country only if:

3 (1) the petition or comparable pleading in this state
4 is filed before the expiration of the time allowed in the other
5 state or the foreign country for filing a responsive pleading
6 challenging the exercise of jurisdiction by the other state or the
7 foreign country;

8 (2) the contesting party timely challenges the
9 exercise of jurisdiction in the other state or the foreign country;
10 and

11 (3) if relevant, this state is the home state of the
12 child.

13 (b) A tribunal of this state may not exercise jurisdiction
14 to establish a support order if the petition or comparable pleading
15 is filed before a petition or comparable pleading is filed in
16 another state or a foreign country if:

17 (1) the petition or comparable pleading in the other
18 state or foreign country is filed before the expiration of the time
19 allowed in this state for filing a responsive pleading challenging
20 the exercise of jurisdiction by this state;

21 (2) the contesting party timely challenges the
22 exercise of jurisdiction in this state; and

23 (3) if relevant, the other state or foreign country is
24 the home state of the child.

25 SECTION 9. Sections 159.205(a), (b), (c), and (d), Family
26 Code, are amended to read as follows:

27 (a) A tribunal of this state that has issued a child support

1 order consistent with the law of this state has and shall exercise
2 continuing, exclusive jurisdiction to modify its child support
3 order if the order is the controlling order and:

4 (1) at the time of the filing of a request for
5 modification [~~is filed,~~] this state is the [~~state of~~] residence of
6 the obligor, the individual obligee, or the child for whose benefit
7 the support order is issued; or

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

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

16 (1) all of the parties [~~each party~~] who are
17 individuals file [~~is an individual files a~~] consent in a record with
18 the tribunal of this state that a tribunal of another state that has
19 jurisdiction over at least one of the parties who is an individual
20 or that is located in the state of residence of the child may modify
21 the order and assume continuing, exclusive jurisdiction; or

22 (2) the tribunal's order is not the controlling order.

23 (c) If a [A] tribunal of another [~~this~~] state [~~shall~~
24 ~~recognize the continuing, exclusive jurisdiction of a tribunal of~~
25 ~~another state if the tribunal of the other state~~] has issued a child
26 support order pursuant to the Uniform Interstate Family Support Act
27 or a law substantially similar to that Act that modifies a child

1 support order of a tribunal of this state, tribunals of this state
2 shall recognize the continuing, exclusive jurisdiction of the
3 tribunal of the other state [~~under a law substantially similar to~~
4 ~~this chapter~~].

5 (d) A tribunal of this state that lacks [~~does not have~~]
6 continuing, exclusive jurisdiction to modify a child support order
7 may serve as an initiating tribunal to request a tribunal of another
8 state to modify a support order issued in that state.

9 SECTION 10. Section 159.206(a), Family Code, is amended to
10 read as follows:

11 (a) A tribunal of this state that has issued a child support
12 order consistent with the law of this state may serve as an
13 initiating tribunal to request a tribunal of another state to
14 enforce:

15 (1) the order, if the order:

16 (A) is the controlling order; and

17 (B) has not been modified by a tribunal of
18 another state that assumed jurisdiction under the Uniform
19 Interstate Family Support Act; or

20 (2) a money judgment for arrears of support
21 [~~arrearages~~] and interest on the order accrued before a
22 determination that an order of a tribunal of another state is the
23 controlling order.

24 SECTION 11. Section 159.207, Family Code, is amended to
25 read as follows:

26 Sec. 159.207. DETERMINATION OF CONTROLLING CHILD SUPPORT
27 ORDER. (a) If a proceeding is brought under this chapter and only

1 one tribunal has issued a child support order, the order of that
2 tribunal controls and must be ~~[so]~~ recognized.

3 (b) If a proceeding is brought under this chapter and two or
4 more child support orders have been issued by tribunals of this
5 state, ~~[or]~~ another state, or a foreign country with regard to the
6 same obligor and same child, a tribunal of this state having
7 personal jurisdiction over both the obligor and individual obligee
8 shall apply the following rules and by order shall ~~[to]~~ determine
9 ~~[by order]~~ which order controls and must be recognized:

10 (1) if only one of the tribunals would have
11 continuing, exclusive jurisdiction under this chapter, the order of
12 that tribunal controls ~~[and must be so recognized]~~;

13 (2) if more than one of the tribunals would have
14 continuing, exclusive jurisdiction under this chapter:

15 (A) an order issued by a tribunal in the current
16 home state of the child controls ~~[if an order is issued in the
17 current home state of the child]~~; or

18 (B) ~~[the order most recently issued controls]~~ if
19 an order has not been issued in the current home state of the child,
20 the order most recently issued controls; and

21 (3) if none of the tribunals would have continuing,
22 exclusive jurisdiction under this chapter, the tribunal of this
23 state shall issue a child support order that controls.

24 (c) If two or more child support orders have been issued for
25 the same obligor and same child, on request of a party who is an
26 individual or that is a support enforcement agency, a tribunal of
27 this state having personal jurisdiction over both the obligor and

1 the obligee who is an individual shall determine which order
2 controls under Subsection (b). The request may be filed[+
3 [~~1~~] with a registration for enforcement or
4 registration for modification under Subchapter G[+] or may be filed
5 [~~2~~] as a separate proceeding.

6 (d) A request to determine which is the controlling order
7 must be accompanied by a copy of every [~~each~~] child support order in
8 effect and the applicable record of payments. The requesting party
9 shall give notice of the request to each party whose rights may be
10 affected by the determination.

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

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

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

20 (2) the amount of prospective [~~child~~] support, if any;
21 and

22 (3) the total amount of consolidated arrears
23 [~~arrearages~~] and accrued interest, if any, under all of the orders
24 after all payments made are credited as provided by [~~under~~] Section
25 159.209.

26 (g) Within 30 days after issuance of an order determining
27 which order is the controlling order, the party obtaining the order

1 shall file a certified copy of the controlling order in each
2 tribunal that issued or registered an earlier order of child
3 support. A party or support enforcement agency obtaining [~~that~~
4 ~~obtains~~] the order that [~~and~~] fails to file a certified copy [~~of the~~
5 ~~order~~] is subject to appropriate sanctions by a tribunal in which
6 the issue of failure to file arises. The failure to file does not
7 affect the validity or enforceability of the controlling order.

8 (h) An order that has been determined to be the controlling
9 order, or a judgment for consolidated arrears of support
10 [~~arrearages~~] and interest, if any, made [~~issued~~] under this
11 section, must be recognized in proceedings [~~a proceeding~~] under
12 this chapter.

13 SECTION 12. Section 159.208, Family Code, is amended to
14 read as follows:

15 Sec. 159.208. CHILD SUPPORT ORDERS FOR TWO OR MORE
16 OBLIGEES. In responding to registrations or petitions for
17 enforcement of two or more child support orders in effect at the
18 same time with regard to the same obligor and different individual
19 obligees, at least one of which was issued by a tribunal of another
20 state or a foreign country, a tribunal of this state shall enforce
21 those orders in the same manner as if the orders had been issued by a
22 tribunal of this state.

23 SECTION 13. Section 159.209, Family Code, is amended to
24 read as follows:

25 Sec. 159.209. CREDIT FOR PAYMENTS. A tribunal of this state
26 shall credit amounts collected for a particular period under any
27 child [~~a~~] support order against the amounts owed for the same period

1 under any other child support order for support of the same child
2 issued by a tribunal of this state, ~~[or]~~ another state, or a foreign
3 country.

4 SECTION 14. Section 159.210, Family Code, is amended to
5 read as follows:

6 Sec. 159.210. APPLICATION OF CHAPTER ~~[APPLICABILITY]~~ TO
7 NONRESIDENT SUBJECT TO PERSONAL JURISDICTION. A ~~[(a) Except as~~
8 ~~provided by Subsection (b), Subchapters D-H do not apply to a]~~
9 tribunal of this state exercising personal jurisdiction over a
10 nonresident in a proceeding under this chapter or under other law of
11 this state relating to a support order or recognizing a foreign
12 support order ~~[of a foreign country or political subdivision on the~~
13 ~~basis of comity. The tribunal shall apply the procedural and~~
14 ~~substantive law of this state in a proceeding described by this~~
15 ~~subsection.~~

16 ~~[(b) Notwithstanding Subsection (a), a tribunal of this~~
17 ~~state exercising personal jurisdiction over a nonresident in a~~
18 ~~proceeding under this chapter or under other law of this state~~
19 ~~relating to a support order or recognizing a support order of a~~
20 ~~foreign country or political subdivision on the basis of comity]~~
21 may~~+~~

22 ~~[(1)]~~ receive evidence from outside this ~~[another]~~
23 state as provided by Section 159.316, ~~+~~

24 ~~[(2)]~~ communicate with a tribunal outside this ~~[of~~
25 ~~another]~~ state as provided by Section 159.317, ~~+~~ and

26 ~~[(3)]~~ obtain discovery through a tribunal outside this
27 ~~[of another]~~ state as provided by Section 159.318. In all other

1 respects, Subchapters D, E, F, and G do not apply and the tribunal
2 shall apply the procedural and substantive law of this state.

3 SECTION 15. Section 159.211(b), Family Code, is amended to
4 read as follows:

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

9 SECTION 16. Section 159.301(c), Family Code, is amended to
10 read as follows:

11 (c) An individual petitioner or a support enforcement
12 agency may initiate a proceeding authorized under this chapter by
13 filing a petition in an initiating tribunal for forwarding to a
14 responding tribunal or by filing a petition or a comparable
15 pleading directly in a tribunal of another state or foreign country
16 that has or [~~that~~] can obtain personal jurisdiction over the
17 respondent.

18 SECTION 17. Section 159.304(b), Family Code, is amended to
19 read as follows:

20 (b) If requested by the responding tribunal, a tribunal of
21 this state shall issue a certificate or other document and make
22 findings required by the law of the responding state. If the
23 responding tribunal [~~state~~] is in a foreign country [~~or political~~
24 ~~subdivision~~], on request the tribunal of this state shall specify
25 the amount of support sought, convert that amount into the
26 equivalent amount in the foreign currency under the applicable
27 official or market exchange rate as publicly reported, and provide

1 any other documents necessary to satisfy the requirements of the
2 responding foreign tribunal [~~state~~].

3 SECTION 18. Sections 159.305(b) and (f), Family Code, are
4 amended to read as follows:

5 (b) A [~~Except as prohibited by other law, a~~] responding
6 tribunal of this state, to the extent not prohibited by other law,
7 may do one or more of the following:

8 (1) establish [~~issue~~] or enforce a support order,
9 modify a child support order, determine the controlling child
10 support order, or determine parentage of a child;

11 (2) order an obligor to comply with a support order,
12 specifying [~~and specify~~] the amount and the manner of compliance;

13 (3) order income withholding;

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

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

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

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

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

26 (9) issue a bench warrant or capias for an obligor who
27 has failed after proper notice to appear at a hearing ordered by the

1 tribunal and enter the bench warrant or capias in any local and
2 state computer systems for criminal warrants;

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

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

7 (12) grant any other available remedy.

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

14 SECTION 19. Sections 159.307(b), (c), (d), and (e), Family
15 Code, are amended to read as follows:

16 (b) A support enforcement agency of this state that is
17 providing [~~provides~~] services to the petitioner shall:

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

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

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

26 (4) within two days [~~not later than the second day~~],
27 exclusive of [~~excluding~~] Saturdays, Sundays, and legal holidays,

1 after ~~[the date of]~~ receipt of ~~[a written]~~ notice in a record from
2 an initiating, responding, or registering tribunal, send a copy of
3 the notice to the petitioner;

4 (5) within two days ~~[not later than the second day]~~,
5 exclusive of ~~[excluding]~~ Saturdays, Sundays, and legal holidays,
6 after ~~[the date of]~~ receipt of ~~[a written]~~ communication in a record
7 from the respondent or the respondent's attorney, send a copy of the
8 communication to the petitioner; and

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

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

14 (1) to ensure that the order to be registered is the
15 controlling order; or

16 (2) if two or more child support orders exist and the
17 identity of the controlling order has not been determined, to
18 ensure that a request for such a determination ~~[of which order is~~
19 ~~the controlling order]~~ is made in a tribunal having jurisdiction to
20 do so ~~[to make the determination, if two or more child support~~
21 ~~orders have been issued and a determination of the controlling~~
22 ~~order has not been made]~~.

23 (d) A support enforcement agency of this state that requests
24 registration and enforcement of a support order, arrears
25 ~~[arrearages]~~, or a judgment stated in a foreign currency shall
26 convert the amount stated in the foreign currency into ~~[to]~~ the
27 equivalent amount in dollars under the applicable official or

1 market exchange rate as publicly reported.

2 (e) A support enforcement agency of this state shall issue,
3 or request a tribunal of this state to issue, a child support order
4 and an income-withholding order that redirects payment of current
5 support, arrears [~~arrearages~~], and interest if requested to do so
6 by a support enforcement agency of another state under Section
7 159.319.

8 SECTION 20. The heading of Section 159.308, Family Code, is
9 amended to read as follows:

10 Sec. 159.308. DUTY OF ATTORNEY GENERAL AND GOVERNOR
11 [~~CERTAIN STATE OFFICIALS~~].

12 SECTION 21. Section 159.308(b), Family Code, is amended to
13 read as follows:

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

18 SECTION 22. Section 159.310(b), Family Code, is amended to
19 read as follows:

20 (b) The state information agency shall:

21 (1) compile and maintain a current list, including
22 addresses, of the tribunals in this state that have jurisdiction
23 under this chapter and any support enforcement agencies in this
24 state and transmit [~~send~~] a copy to the state information agency of
25 every other state;

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

1 states;

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

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

18 SECTION 23. Section 159.311(a), Family Code, is amended to
19 read as follows:

20 (a) In a proceeding under this chapter, a petitioner seeking
21 to establish a support order, to determine parentage of a child, or
22 to register and modify a support order of a tribunal of another
23 state or foreign country must file a petition. Unless otherwise
24 ordered under Section 159.312, the petition or accompanying
25 documents must provide, so far as known, the name, residential
26 address, and social security numbers of the obligor and the obligee
27 or the parent and alleged parent, and the name, sex, residential

1 address, social security number, and date of birth of each child for
2 whose benefit support is sought or whose parentage is to be
3 determined. Unless filed at the time of registration, the petition
4 must be accompanied by a copy of any support order known to have
5 been issued by another tribunal. The petition may include any other
6 information that may assist in locating or identifying the
7 respondent.

8 SECTION 24. Section 159.312, Family Code, is amended to
9 read as follows:

10 Sec. 159.312. NONDISCLOSURE OF INFORMATION IN EXCEPTIONAL
11 CIRCUMSTANCES. If a party alleges in an affidavit or pleading under
12 oath that the health, safety, or liberty of a party or child would
13 be jeopardized by disclosure of specific identifying information
14 [~~regarding the party or the child~~], that [~~the identifying~~]
15 information must [~~shall~~] be sealed and may not be disclosed to the
16 other party or [~~to~~] the public. After a hearing in which a tribunal
17 takes into consideration [~~considers~~] the health, safety, or liberty
18 of the party or [~~the~~] child, the tribunal may order disclosure of
19 information that [~~if~~] the tribunal determines to be in the interest
20 [~~that the disclosure serves the interests~~] of justice.

21 SECTION 25. Sections 159.313(b) and (c), Family Code, are
22 amended to read as follows:

23 (b) If an obligee prevails, a responding tribunal of this
24 state may assess against an obligor filing fees, reasonable
25 attorney's fees, other costs, and necessary travel and other
26 reasonable expenses incurred by the obligee and the obligee's
27 witnesses. The tribunal may not assess fees, costs, or expenses

1 against the obligee or the support enforcement agency of either the
2 initiating [~~state~~] or [~~the~~] responding state or foreign country,
3 except as provided by other law. Attorney's fees may be taxed as
4 costs, and may be ordered paid directly to the attorney, who may
5 enforce the order in the attorney's own name. Payment of support
6 owed to the obligee has priority over fees, costs, and expenses.

7 (c) The tribunal shall order the payment of costs and
8 reasonable attorney's fees if it determines that a hearing was
9 requested primarily for delay. In a proceeding under Subchapter G
10 [~~pursuant to Sections 159.601 through 159.608~~], a hearing is
11 presumed to have been requested primarily for delay if a registered
12 support order is confirmed or enforced without change.

13 SECTION 26. Section 159.314(c), Family Code, is amended to
14 read as follows:

15 (c) The immunity granted by this section does not extend to
16 civil litigation based on acts unrelated to a proceeding under this
17 chapter committed by a party while physically present in this state
18 to participate in the proceeding.

19 SECTION 27. Sections 159.316(a), (b), (d), (e), and (f),
20 Family Code, are amended to read as follows:

21 (a) The physical presence of a nonresident party who is an
22 individual in a tribunal of this state is not required for the
23 establishment, enforcement, or modification of a support order or
24 the rendition of a judgment determining parentage of a child.

25 (b) An affidavit, a document substantially complying with
26 federally mandated forms, or a document incorporated by reference
27 in an affidavit or document, that would not be excluded under the

1 hearsay rule if given in person, is admissible in evidence if given
2 under penalty of perjury by a party or witness residing outside this
3 ~~[in another]~~ state.

4 (d) Copies of bills for testing for parentage of a child,
5 and for prenatal and postnatal health care of the mother and child
6 ~~[that are]~~ furnished to the adverse party at least ~~[not less than]~~
7 10 days before ~~[the date of]~~ trial are admissible in evidence to
8 prove the amount of the charges billed and that the charges were
9 reasonable, necessary, and customary.

10 (e) Documentary evidence transmitted from outside this
11 ~~[another]~~ state to a tribunal of this state by telephone,
12 telecopier, or other electronic ~~[another]~~ means that does not
13 provide an original record may not be excluded from evidence on an
14 objection based on the means of transmission.

15 (f) In a proceeding under this chapter, a tribunal of this
16 state shall permit a party or witness residing outside this ~~[in~~
17 ~~another]~~ state to be deposed or to testify under penalty of perjury
18 by telephone, audiovisual means, or other electronic means at a
19 designated tribunal or other location ~~[in that state]~~. A tribunal
20 of this state shall cooperate with other tribunals ~~[a tribunal of~~
21 ~~another state]~~ in designating an appropriate location for the
22 deposition or testimony.

23 SECTION 28. Section [159.317](#), Family Code, is amended to
24 read as follows:

25 Sec. 159.317. COMMUNICATIONS BETWEEN TRIBUNALS. A tribunal
26 of this state may communicate with a tribunal outside this ~~[of~~
27 ~~another]~~ state ~~[or of a foreign country or political subdivision]~~

1 in a record or [~~7~~] by telephone, electronic mail, or by other means,
2 to obtain information concerning the laws, the legal effect of a
3 judgment, decree, or order of that tribunal, and the status of a
4 proceeding [~~in the other state, foreign country, or political~~
5 ~~subdivision~~]. A tribunal of this state may furnish similar
6 information by similar means to a tribunal outside this state [~~of~~
7 ~~another state or of a foreign country or political subdivision~~].

8 SECTION 29. Section 159.318, Family Code, is amended to
9 read as follows:

10 Sec. 159.318. ASSISTANCE WITH DISCOVERY. A tribunal of
11 this state may:

12 (1) request a tribunal outside this [~~of another~~] state
13 to assist in obtaining discovery; and

14 (2) on request, compel a person over whom the tribunal
15 has jurisdiction to respond to a discovery order issued by a
16 tribunal outside this [~~of another~~] state.

17 SECTION 30. Section 159.319(a), Family Code, is amended to
18 read as follows:

19 (a) A support enforcement agency or tribunal of this state
20 shall disburse promptly any amounts received under a support order,
21 as directed by the order. The agency or tribunal shall furnish to a
22 requesting party or tribunal of another state or a foreign country a
23 certified statement by the custodian of the record of the amounts
24 and dates of all payments received.

25 SECTION 31. The heading of Subchapter E, Chapter 159,
26 Family Code, is amended to read as follows:

27 SUBCHAPTER E. ESTABLISHMENT OF SUPPORT ORDER OR DETERMINATION OF

PARENTAGE

SECTION 32. Section 159.401, Family Code, is amended to read as follows:

Sec. 159.401. ESTABLISHMENT OF [~~PETITION TO ESTABLISH~~] SUPPORT ORDER. (a) If a support order entitled to recognition under this chapter has not been issued, a responding tribunal of this state with personal jurisdiction over the parties may issue a support order if:

(1) the individual seeking the order resides outside this [~~in another~~] state; or

(2) the support enforcement agency seeking the order is located outside this [~~in another~~] state.

(b) The tribunal may issue a temporary child support order if the tribunal determines that such an [~~the~~] order is appropriate and the individual ordered to pay is:

(1) a presumed father of the child;

(2) [~~a man~~] petitioning to have his paternity adjudicated;

(3) [~~a man~~] identified as the father of the child through genetic testing;

(4) an alleged father who has declined to submit to genetic testing;

(5) [~~a man~~] shown by clear and convincing evidence to be the father of the child;

(6) an acknowledged father as provided by applicable state law;

(7) the mother of the child; or

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

4 (c) On finding, after notice and an opportunity to be heard,
5 that an obligor owes a duty of support, the tribunal shall issue a
6 support order directed to the obligor and may issue other orders
7 under Section 159.305.

8 SECTION 33. Subchapter E, Chapter 159, Family Code, is
9 amended by adding Section 159.402 to read as follows:

10 Sec. 159.402. PROCEEDING TO DETERMINE PARENTAGE. A
11 tribunal of this state authorized to determine parentage of a child
12 may serve as a responding tribunal in a proceeding to determine
13 parentage of a child brought under this chapter or a law or
14 procedure substantially similar to this chapter.

15 SECTION 34. The heading to Subchapter F, Chapter 159,
16 Family Code, is amended to read as follows:

17 SUBCHAPTER F. ENFORCEMENT OF SUPPORT ORDER [~~OF ANOTHER STATE~~]
18 WITHOUT REGISTRATION

19 SECTION 35. Section 159.506, Family Code, is amended to
20 read as follows:

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

25 [~~1~~] filing a contest to that order as provided in
26 [~~under~~] Subchapter G[+] or otherwise

27 [~~2~~] contesting the order in the same manner as if the

1 order had been issued by a tribunal of this state.

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

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

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

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

10 SECTION 36. Section 159.507(a), Family Code, is amended to
11 read as follows:

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

17 SECTION 37. Sections 159.601, 159.602, 159.603, and
18 159.604, Family Code, are designated as Part 1, Subchapter G,
19 Chapter 159, Family Code, and a heading for that part is added to
20 read as follows:

21 PART 1. REGISTRATION FOR ENFORCEMENT OF SUPPORT ORDER

22 SECTION 38. Section 159.601, Family Code, is amended to
23 read as follows:

24 Sec. 159.601. REGISTRATION OF ORDER FOR ENFORCEMENT. A
25 support order or income-withholding order issued in ~~[by a tribunal~~
26 ~~of]~~ another state or a foreign support order may be registered in
27 this state for enforcement.

1 SECTION 39. Sections 159.602(a), (b), and (d), Family Code,
2 are amended to read as follows:

3 (a) Except as otherwise provided by Section 159.706, a [A]
4 support order or income-withholding order of another state or a
5 foreign support order may be registered in this state by sending
6 ~~[to]~~ the following records to the appropriate tribunal in this
7 state:

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

10 (2) two copies, including one certified copy, of the
11 order to be registered, including any modification of the order;

12 (3) a sworn statement by the person requesting
13 registration or a certified statement by the custodian of the
14 records showing the amount of any arrearage;

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

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

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

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

22 (5) except as otherwise provided by Section 159.312,
23 the name and address of the obligee and, if applicable, the person
24 to whom support payments are to be remitted.

25 (b) On receipt of a request for registration, the
26 registering tribunal shall cause the order to be filed as an order
27 of a tribunal of another state or a foreign support order

1 ~~[judgment]~~, together with one copy of the documents and
2 information, regardless of their form.

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

5 (1) furnish ~~[provide]~~ to the tribunal a copy of each
6 support order asserted to be in effect in addition to ~~[and]~~ the
7 documents specified in this section;

8 (2) specify ~~[identify]~~ the order alleged to be the
9 controlling order, if any; and

10 (3) specify ~~[state]~~ the amount of consolidated arrears
11 ~~[arrearages]~~, if any.

12 SECTION 40. Section 159.603, Family Code, is amended to
13 read as follows:

14 Sec. 159.603. EFFECT OF REGISTRATION FOR ENFORCEMENT. (a)
15 A support order or income-withholding order issued in another state
16 or a foreign support order is registered when the order is filed in
17 the registering tribunal of this state.

18 (b) A registered support order issued in another state or a
19 foreign country is enforceable in the same manner and is subject to
20 the same procedures as an order issued by a tribunal of this state.

21 (c) Except as otherwise provided in this subchapter, a
22 tribunal of this state shall recognize and enforce, but may not
23 modify, a registered support order if the issuing tribunal had
24 jurisdiction.

25 SECTION 41. Section 159.604, Family Code, is amended to
26 read as follows:

27 Sec. 159.604. CHOICE OF LAW. (a) Except as otherwise

1 provided by Subsection (d), the law of the issuing state or foreign
2 country governs:

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

5 (2) the computation and payment of arrearages and
6 accrual of interest on the arrearages under the support order; and

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

9 (b) In a proceeding for arrears [~~arrearages~~] under a
10 registered support order, the statute of limitation of this state,
11 or of the issuing state or foreign country, whichever is longer,
12 applies.

13 (c) A responding tribunal of [~~in~~] this state shall apply the
14 procedures and remedies of this state to enforce current support
15 and collect arrears [~~arrearages~~] and interest due on a support
16 order of another state or a foreign country registered in this
17 state.

18 (d) After a tribunal of this state or another state
19 determines which [~~order~~] is the controlling order and issues an
20 order consolidating arrears [~~arrearages~~], if any, the tribunal of
21 this state shall prospectively apply the law of the state or foreign
22 country issuing the controlling order, including that state's or
23 country's law on interest on arrears [~~arrearages~~], on current and
24 future support, and on consolidated arrears [~~arrearages~~].

25 SECTION 42. Sections [159.605](#), [159.606](#), [159.607](#), and
26 [159.608](#), Family Code, are designated as Part 2, Subchapter G,
27 Chapter 159, Family Code, and a heading for that part is added to

1 read as follows:

2 PART 2. CONTEST OF VALIDITY OR ENFORCEMENT

3 SECTION 43. Section 159.605, Family Code, is amended to
4 read as follows:

5 Sec. 159.605. NOTICE OF REGISTRATION OF ORDER. (a) When a
6 support order or income-withholding order issued in another state
7 or a foreign support order is registered, the registering tribunal
8 of this state shall notify the nonregistering party. The notice
9 must be accompanied by a copy of the registered order and the
10 documents and relevant information accompanying the order.

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

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

16 (2) that a hearing to contest the validity or
17 enforcement of the registered order must be requested within 20
18 days after notice unless the registered order is under Section
19 159.707;

20 (3) that failure to contest the validity or
21 enforcement of the registered order in a timely manner[+]

22 [~~(A)~~] will result in confirmation of the order
23 and enforcement of the order and the alleged arrearages; and

24 [~~(B) precludes further contest of that order with~~
25 ~~respect to any matter that could have been asserted, and]~~

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

27 (c) If the registering party asserts that two or more orders

1 are in effect, the notice [~~under this section~~] must also:

2 (1) identify[+]

3 [~~(A)~~] the two or more orders and the [~~including~~
4 ~~which~~] order [~~is~~] alleged by the registering party [~~person~~] to be
5 the controlling order[+] and

6 [~~(B)~~] the consolidated arrears [~~arrearages~~], if
7 any;

8 (2) notify the nonregistering party of the right to a
9 determination of which [~~order~~] is the controlling order;

10 (3) state that the procedures provided in Subsection
11 (b) apply to the determination of which [~~order~~] is the controlling
12 order; and

13 (4) state that failure to contest the validity or
14 enforcement of the order alleged to be the controlling order in a
15 timely manner may result in confirmation that the order is the
16 controlling order.

17 (d) On registration of an income-withholding order for
18 enforcement, the support enforcement agency or the registering
19 tribunal shall notify the obligor's employer under Chapter 158.

20 SECTION 44. Section 159.606, Family Code, is amended to
21 read as follows:

22 Sec. 159.606. PROCEDURE TO CONTEST VALIDITY OR ENFORCEMENT
23 OF REGISTERED SUPPORT ORDER. (a) A nonregistering party seeking to
24 contest the validity or enforcement of a registered support order
25 in this state shall request a hearing within the time required by
26 Section 159.605 [~~20 days after notice of the registration~~]. The
27 nonregistering party may seek [~~under Section 159.607~~] to[+]

1 ~~[(1)]~~ vacate the registration, to [~~+~~
2 ~~[(2)]~~ assert any defense to an allegation of
3 noncompliance with the registered order, + [~~+~~] or to
4 ~~[(3)]~~ contest the remedies being sought or the amount
5 of any alleged arrearages under Section 159.607.

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

9 (c) If a nonregistering party requests a hearing to contest
10 the validity or enforcement of the registered support order, the
11 registering tribunal shall schedule the matter for hearing and give
12 notice to the parties of the date, time, and place of the hearing.

13 SECTION 45. Section 159.607, Family Code, is amended to
14 read as follows:

15 Sec. 159.607. CONTEST OF REGISTRATION OR ENFORCEMENT. (a)
16 A party contesting the validity or enforcement of a registered
17 support order or seeking to vacate the registration has the burden
18 of proving one or more of the following defenses:

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

21 (2) the order was obtained by fraud;

22 (3) the order has been vacated, suspended, or modified
23 by a later order;

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

26 (5) there is a defense under the law of this state to
27 the remedy sought;

1 (6) full or partial payment has been made;

2 (7) the statute of limitation under Section 159.604
3 precludes enforcement of some or all of the alleged arrearages; or

4 (8) the alleged controlling order is not the
5 controlling order.

6 (b) If a party presents evidence establishing a full or
7 partial defense under Subsection (a), a tribunal may stay
8 enforcement of the registered support order, continue the
9 proceeding to permit production of additional relevant evidence,
10 and issue other appropriate orders. An uncontested portion of the
11 registered support order may be enforced by all remedies available
12 under the law of this state.

13 (c) If the contesting party does not establish a defense
14 under Subsection (a) to the validity or enforcement of the
15 registered support order, the registering tribunal shall issue an
16 order confirming the order.

17 SECTION 46. Section 159.608, Family Code, is amended to
18 read as follows:

19 Sec. 159.608. CONFIRMED ORDER. Confirmation of a
20 registered support order, whether by operation of law or after
21 notice and hearing, precludes further contest of the order with
22 respect to any matter that could have been asserted at the time of
23 registration.

24 SECTION 47. Sections 159.609, 159.610, 159.611, 159.612,
25 159.613, and 159.614, Family Code, are designated as Part 3,
26 Subchapter G, Chapter 159, Family Code, and a heading is added for
27 that part to read as follows:

1 PART 3. REGISTRATION AND MODIFICATION OF CHILD SUPPORT ORDER OF
2 ANOTHER STATE

3 SECTION 48. Section 159.609, Family Code, is amended to
4 read as follows:

5 Sec. 159.609. PROCEDURE TO REGISTER CHILD SUPPORT ORDER OF
6 ANOTHER STATE FOR MODIFICATION. A party or support enforcement
7 agency seeking to modify, or to modify and enforce, a child support
8 order issued in another state shall register that order in this
9 state in the same manner provided in Sections 159.601 through
10 159.608 [~~159.601-159.604~~] if the order has not been registered. A
11 petition for modification may be filed at the same time as a request
12 for registration, or later. The pleading must specify the grounds
13 for modification.

14 SECTION 49. Section 159.610, Family Code, is amended to
15 read as follows:

16 Sec. 159.610. EFFECT OF REGISTRATION FOR MODIFICATION. A
17 tribunal of this state may enforce a child support order of another
18 state registered for purposes of modification in the same manner as
19 if the order had been issued by a tribunal of this state, but the
20 registered support order may be modified only if the requirements
21 of Section 159.611 or [~~7~~] 159.613 [~~7, or 159.615~~] have been met.

22 SECTION 50. Section 159.611, Family Code, is amended by
23 amending Subsections (a), (c), (d), and (e) and adding Subsection
24 (f) to read as follows:

25 (a) If [~~Except as provided by~~] Section 159.613 does not
26 apply [~~159.615~~], on petition a tribunal of this state may modify a
27 child support order issued in another state that is [~~and~~]

1 registered in this state [~~only~~] if, ~~[Section 159.613 does not apply~~
2 ~~and]~~ after notice and hearing, the tribunal finds that:

3 (1) the following requirements are met:

4 (A) the child, the obligee who is an individual,
5 and the obligor do not reside in the issuing state;

6 (B) a petitioner who is a nonresident of this
7 state seeks modification; and

8 (C) the respondent is subject to the personal
9 jurisdiction of the tribunal of this state; or

10 (2) this state is the [~~state of~~] residence of the
11 child, or a party who is an individual is subject to the personal
12 jurisdiction of the tribunal of this state, and all of the parties
13 who are individuals have filed consents in a record in the issuing
14 tribunal for a tribunal of this state to modify the support order
15 and assume continuing, exclusive jurisdiction.

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

25 (d) In a proceeding to modify a child support order, the law
26 of the state that is determined to have issued the initial
27 controlling order governs the duration of the obligation of

1 support. The obligor's fulfillment of the duty of support
2 established by that order precludes imposition of a further
3 obligation of support by a tribunal of this state.

4 (e) On issuance of an order by a tribunal of this state
5 modifying a child support order issued in another state, the
6 tribunal of this state becomes the tribunal of continuing,
7 exclusive jurisdiction.

8 (f) Notwithstanding Subsections (a) through (e) of this
9 section and Section 159.201(b), a tribunal of this state retains
10 jurisdiction to modify an order issued by a tribunal of this state
11 if:

- 12 (1) one party resides in another state; and
13 (2) the other party resides outside the United States.

14 ~~[(c) In a proceeding to modify a child support order, the~~
15 ~~law of the state that is determined to have issued the initial~~
16 ~~controlling order governs the duration of the obligation of~~
17 ~~support. The obligor's fulfillment of the duty of support~~
18 ~~established by that order precludes imposition of a further~~
19 ~~obligation of support by a tribunal of this state.]~~

20 SECTION 51. Section 159.612, Family Code, is amended to
21 read as follows:

22 Sec. 159.612. RECOGNITION OF ORDER MODIFIED IN ANOTHER
23 STATE. If a child support order issued by a tribunal of this state
24 is modified by a tribunal of another state that assumed
25 jurisdiction under the Uniform Interstate Family Support Act, a
26 tribunal of this state:

- 27 (1) may enforce the order that was modified only as to

1 arrears [~~arrearages~~] and interest accruing before the
2 modification;

3 (2) may provide appropriate relief for violations of
4 the order that occurred before the effective date of the
5 modification; and

6 (3) shall recognize the modifying order of the other
7 state, on registration, for the purpose of enforcement.

8 SECTION 52. Section 159.613(b), Family Code, is amended to
9 read as follows:

10 (b) A tribunal of this state exercising jurisdiction under
11 this section shall apply the provisions of Subchapters B and C, this
12 subchapter, [~~Sections 159.101 through 159.209~~] and [~~159.601~~
13 ~~through 159.614 and~~] the procedural and substantive law of this
14 state to the proceeding for enforcement or modification.
15 Subchapters D, E, F, H, and I [~~Sections 159.301 through 159.507 and~~
16 ~~159.701 through 159.802~~] do not apply.

17 SECTION 53. Section 159.615, Family Code, is designated as
18 Part 4, Subchapter G, Chapter 159, Family Code, and a heading for
19 that part is added to read as follows:

20 PART 4. REGISTRATION AND MODIFICATION OF FOREIGN CHILD SUPPORT

21 ORDER

22 SECTION 54. Section 159.615, Family Code, is amended to
23 read as follows:

24 Sec. 159.615. JURISDICTION TO MODIFY CHILD SUPPORT ORDER OF
25 FOREIGN COUNTRY [~~OR POLITICAL SUBDIVISION~~]. (a) Except as
26 otherwise provided by Section 159.711, if [~~If~~] a foreign country
27 lacks or [~~political subdivision that is a state~~] refuses to

1 exercise jurisdiction to modify its child support order pursuant to
2 its laws [~~or may not under its law modify its order~~], a tribunal of
3 this state may assume jurisdiction to modify the child support
4 order and bind all individuals subject to the personal jurisdiction
5 of the tribunal regardless of whether the[+]

6 [~~(1)~~] consent to modification of a child support order
7 otherwise required of the individual [~~has been given~~] under Section
8 159.611 has been given[+] or whether

9 [~~(2)~~] the individual seeking modification is a
10 resident of this state or of the foreign country [~~or political~~
11 ~~subdivision~~].

12 (b) An order issued by a tribunal of this state modifying a
13 foreign child support order under this section is the controlling
14 order.

15 SECTION 55. Part 4, Subchapter G, Chapter 159, Family Code,
16 as designated by this Act, is amended by adding Section 159.616 to
17 read as follows:

18 Sec. 159.616. PROCEDURE TO REGISTER CHILD SUPPORT ORDER OF
19 FOREIGN COUNTRY FOR MODIFICATION. A party or support enforcement
20 agency seeking to modify, or to modify and enforce, a foreign child
21 support order not under the Convention may register that order in
22 this state under Sections 159.601 through 159.608 if the order has
23 not been registered. A petition for modification may be filed at the
24 same time as a request for registration or at another time. The
25 petition must specify the grounds for modification.

26 SECTION 56. The heading to Subchapter H, Chapter 159,
27 Family Code, is amended to read as follows:

1 SUBCHAPTER H. SUPPORT PROCEEDING UNDER CONVENTION [~~DETERMINATION~~
2 ~~OF PARENTAGE~~]

3 SECTION 57. Section 159.701, Family Code, is amended to
4 read as follows:

5 Sec. 159.701. DEFINITIONS. In this subchapter:

6 (1) "Application" means a request under the Convention
7 by an obligee or obligor, or on behalf of a child, made through a
8 central authority for assistance from another central authority.

9 (2) "Central authority" means the entity designated by
10 the United States or a foreign country described in Section
11 159.102(5)(D) to perform the functions specified in the Convention.

12 (3) "Convention support order" means a support order
13 of a tribunal of a foreign country described in Section
14 159.102(5)(D).

15 (4) "Direct request" means a petition filed by an
16 individual in a tribunal of this state in a proceeding involving an
17 obligee, obligor, or child residing outside the United States.

18 (5) "Foreign central authority" means the entity
19 designated by a foreign country described in Section 159.102(5)(D)
20 to perform the functions specified in the Convention.

21 (6) "Foreign support agreement":

22 (A) means an agreement for support in a record
23 that:

24 (i) is enforceable as a support order in the
25 country of origin;

26 (ii) has been:

27 (a) formally drawn up or registered as

1 an authentic instrument by a foreign tribunal; or
2 (b) authenticated by, or concluded,
3 registered, or filed with a foreign tribunal; and
4 (iii) may be reviewed and modified by a
5 foreign tribunal; and
6 (B) includes a maintenance arrangement or
7 authentic instrument under the Convention.

8 (7) "United States central authority" means the
9 secretary of the United States Department of Health and Human
10 Services. [PROCEEDING TO DETERMINE PARENTAGE. A court of this
11 state authorized to determine the parentage of a child may serve as
12 a responding tribunal in a proceeding to determine parentage
13 brought under this chapter or a law substantially similar to this
14 chapter.]

15 SECTION 58. Subchapter H, Chapter 159, Family Code, is
16 amended by adding Sections 159.702 through 159.713 to read as
17 follows:

18 Sec. 159.702. APPLICABILITY. This subchapter applies only
19 to a support proceeding under the Convention. In such a proceeding,
20 if a provision of this subchapter is inconsistent with Subchapters
21 B through G, this subchapter controls.

22 Sec. 159.703. RELATIONSHIP OF OFFICE OF ATTORNEY GENERAL TO
23 UNITED STATES CENTRAL AUTHORITY. The office of the attorney
24 general of this state is recognized as the agency designated by the
25 United States central authority to perform specific functions under
26 the Convention.

27 Sec. 159.704. INITIATION BY OFFICE OF ATTORNEY GENERAL OF

1 SUPPORT PROCEEDING UNDER CONVENTION. (a) In a support proceeding
2 under this subchapter, the office of the attorney general of this
3 state shall:

4 (1) transmit and receive applications; and

5 (2) initiate or facilitate the institution of a
6 proceeding regarding an application in a tribunal of this state.

7 (b) The following support proceedings are available to an
8 obligee under the Convention:

9 (1) recognition or recognition and enforcement of a
10 foreign support order;

11 (2) enforcement of a support order issued or
12 recognized in this state;

13 (3) establishment of a support order if there is no
14 existing order, including, if necessary, determination of
15 parentage of a child;

16 (4) establishment of a support order if recognition of
17 a foreign support order is refused under Section 159.708(b)(2),
18 (4), or (9);

19 (5) modification of a support order of a tribunal of
20 this state; and

21 (6) modification of a support order of a tribunal of
22 another state or a foreign country.

23 (c) The following support proceedings are available under
24 the Convention to an obligor against which there is an existing
25 support order:

26 (1) recognition of an order suspending or limiting
27 enforcement of an existing support order of a tribunal of this

1 state;

2 (2) modification of a support order of a tribunal of
3 this state; and

4 (3) modification of a support order of a tribunal of
5 another state or a foreign country.

6 (d) A tribunal of this state may not require security, bond,
7 or deposit, however described, to guarantee the payment of costs
8 and expenses in proceedings under the Convention.

9 Sec. 159.705. DIRECT REQUEST. (a) A petitioner may file a
10 direct request seeking establishment or modification of a support
11 order or determination of parentage of a child. In the proceeding,
12 the law of this state applies.

13 (b) A petitioner may file a direct request seeking
14 recognition and enforcement of a support order or support
15 agreement. In the proceeding, Sections 159.706 through 159.713
16 apply.

17 (c) In a direct request for recognition and enforcement of a
18 Convention support order or foreign support agreement:

19 (1) a security, bond, or deposit is not required to
20 guarantee the payment of costs and expenses; and

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

25 (d) A petitioner filing a direct request is not entitled to
26 assistance from the office of the attorney general.

27 (e) This subchapter does not prevent the application of laws

1 of this state that provide simplified, more expeditious rules
2 regarding a direct request for recognition and enforcement of a
3 foreign support order or foreign support agreement.

4 Sec. 159.706. REGISTRATION OF CONVENTION SUPPORT ORDER.

5 (a) Except as otherwise provided in this subchapter, a party who is
6 an individual or a support enforcement agency seeking recognition
7 of a Convention support order shall register the order in this state
8 as provided in Subchapter G.

9 (b) Notwithstanding Sections 159.311 and 159.602(a), a
10 request for registration of a Convention support order must be
11 accompanied by:

12 (1) the complete text of the support order or an
13 abstract or extract of the support order drawn up by the issuing
14 foreign tribunal, which may be in the form recommended by the Hague
15 Conference on Private International Law;

16 (2) a record stating that the support order is
17 enforceable in the issuing country;

18 (3) if the respondent did not appear and was not
19 represented in the proceedings in the issuing country, a record
20 attesting, as appropriate, either that the respondent had proper
21 notice of the proceedings and an opportunity to be heard or that the
22 respondent had proper notice of the support order and an
23 opportunity to be heard in a challenge or appeal on fact or law
24 before a tribunal;

25 (4) a record showing the amount of arrears, if any, and
26 the date the amount was calculated;

27 (5) a record showing a requirement for automatic

1 adjustment of the amount of support, if any, and the information
2 necessary to make the appropriate calculations; and

3 (6) if necessary, a record showing the extent to which
4 the applicant received free legal assistance in the issuing
5 country.

6 (c) A request for registration of a Convention support order
7 may seek recognition and partial enforcement of the order.

8 (d) A tribunal of this state may vacate the registration of
9 a Convention support order without the filing of a contest under
10 Section 159.707 only if, acting on its own motion, the tribunal
11 finds that recognition and enforcement of the order would be
12 manifestly incompatible with public policy.

13 (e) The tribunal shall promptly notify the parties of the
14 registration or the order vacating the registration of a Convention
15 support order.

16 Sec. 159.707. CONTEST OF REGISTERED CONVENTION SUPPORT
17 ORDER. (a) Except as otherwise provided in this subchapter,
18 Sections 159.605 through 159.608 apply to a contest of a registered
19 Convention support order.

20 (b) A party contesting a registered Convention support
21 order shall file a contest not later than 30 days after notice of
22 the registration. If the contesting party does not reside in the
23 United States, the contest must be filed not later than 60 days
24 after notice of the registration.

25 (c) If the nonregistering party fails to contest the
26 registered Convention support order by the time specified in
27 Subsection (b), the order is enforceable.

1 (d) A contest of a registered Convention support order may
2 be based only on grounds set forth in Section 159.708. The
3 contesting party bears the burden of proof.

4 (e) In a contest of a registered Convention support order, a
5 tribunal of this state:

6 (1) is bound by the findings of fact on which the
7 foreign tribunal based its jurisdiction; and

8 (2) may not review the merits of the order.

9 (f) A tribunal of this state deciding a contest of a
10 registered Convention support order shall promptly notify the
11 parties of its decision.

12 (g) A challenge or appeal, if any, does not stay the
13 enforcement of a Convention support order unless there are
14 exceptional circumstances.

15 Sec. 159.708. RECOGNITION AND ENFORCEMENT OF REGISTERED
16 CONVENTION SUPPORT ORDER. (a) Except as otherwise provided in
17 Subsection (b), a tribunal of this state shall recognize and
18 enforce a registered Convention support order.

19 (b) The following grounds are the only grounds on which a
20 tribunal of this state may refuse recognition and enforcement of a
21 registered Convention support order:

22 (1) recognition and enforcement of the order is
23 manifestly incompatible with public policy, including the failure
24 of the issuing tribunal to observe minimum standards of due
25 process, which include notice and an opportunity to be heard;

26 (2) the issuing tribunal lacked personal jurisdiction
27 consistent with Section 159.201;

1 (3) the order is not enforceable in the issuing
2 country;

3 (4) the order was obtained by fraud in connection with
4 a matter of procedure;

5 (5) a record transmitted in accordance with Section
6 159.706 lacks authenticity or integrity;

7 (6) a proceeding between the same parties and having
8 the same purpose is pending before a tribunal of this state and that
9 proceeding was the first to be filed;

10 (7) the order is incompatible with a more recent
11 support order involving the same parties and having the same
12 purpose if the more recent support order is entitled to recognition
13 and enforcement under this chapter in this state;

14 (8) payment, to the extent alleged arrears have been
15 paid in whole or in part;

16 (9) in a case in which the respondent neither appeared
17 nor was represented in the proceeding in the issuing foreign
18 country:

19 (A) if the law of that country provides for prior
20 notice of proceedings, the respondent did not have proper notice of
21 the proceedings and an opportunity to be heard; or

22 (B) if the law of that country does not provide
23 for prior notice of the proceedings, the respondent did not have
24 proper notice of the order and an opportunity to be heard in a
25 challenge or appeal on fact or law before a tribunal; or

26 (10) the order was made in violation of Section
27 159.711.

1 (c) If a tribunal of this state does not recognize a
2 Convention support order under Subsection (b)(2), (4), or (9):

3 (1) the tribunal may not dismiss the proceeding
4 without allowing a reasonable time for a party to request the
5 establishment of a new Convention support order; and

6 (2) the office of the attorney general shall take all
7 appropriate measures to request a child support order for the
8 obligee if the application for recognition and enforcement was
9 received under Section 159.704.

10 Sec. 159.709. PARTIAL ENFORCEMENT. If a tribunal of this
11 state does not recognize and enforce a Convention support order in
12 its entirety, it shall enforce any severable part of the order. An
13 application or direct request may seek recognition and partial
14 enforcement of a Convention support order.

15 Sec. 159.710. FOREIGN SUPPORT AGREEMENT. (a) Except as
16 otherwise provided by Subsections (c) and (d), a tribunal of this
17 state shall recognize and enforce a foreign support agreement
18 registered in this state.

19 (b) An application or direct request for recognition and
20 enforcement of a foreign support agreement must be accompanied by:

21 (1) the complete text of the foreign support
22 agreement; and

23 (2) a record stating that the foreign support
24 agreement is enforceable as an order of support in the issuing
25 country.

26 (c) A tribunal of this state may vacate the registration of
27 a foreign support agreement only if, acting on its own motion, the

1 tribunal finds that recognition and enforcement would be manifestly
2 incompatible with public policy.

3 (d) In a contest of a foreign support agreement, a tribunal
4 of this state may refuse recognition and enforcement of the
5 agreement if it finds:

6 (1) recognition and enforcement of the agreement is
7 manifestly incompatible with public policy;

8 (2) the agreement was obtained by fraud or
9 falsification;

10 (3) the agreement is incompatible with a support order
11 involving the same parties and having the same purpose in this
12 state, another state, or a foreign country if the support order is
13 entitled to recognition and enforcement under this chapter in this
14 state; or

15 (4) the record submitted under Subsection (b) lacks
16 authenticity or integrity.

17 (e) A proceeding for recognition and enforcement of a
18 foreign support agreement must be suspended during the pendency of
19 a challenge to or appeal of the agreement before a tribunal of
20 another state or a foreign country.

21 Sec. 159.711. MODIFICATION OF CONVENTION CHILD SUPPORT
22 ORDER. (a) A tribunal of this state may not modify a Convention
23 child support order if the obligee remains a resident of the foreign
24 country where the support order was issued unless:

25 (1) the obligee submits to the jurisdiction of a
26 tribunal of this state, either expressly or by defending on the
27 merits of the case without objecting to the jurisdiction at the

1 first available opportunity; or

2 (2) the foreign tribunal lacks or refuses to exercise
3 jurisdiction to modify its support order or issue a new support
4 order.

5 (b) If a tribunal of this state does not modify a Convention
6 child support order because the order is not recognized in this
7 state, Section 159.708(c) applies.

8 Sec. 159.712. PERSONAL INFORMATION; LIMIT ON USE. Personal
9 information gathered or transmitted under this subchapter may be
10 used only for the purposes for which it was gathered or transmitted.

11 Sec. 159.713. RECORD IN ORIGINAL LANGUAGE; ENGLISH
12 TRANSLATION. A record filed with a tribunal of this state under this
13 subchapter must be in the original language and, if not in English,
14 must be accompanied by an English translation.

15 SECTION 59. Section 159.801(a), Family Code, is amended to
16 read as follows:

17 (a) For purposes of this [~~In this~~] subchapter, "governor"
18 includes an individual performing the functions of governor or the
19 executive authority of a state covered by this chapter.

20 SECTION 60. Section 159.802(a), Family Code, is amended to
21 read as follows:

22 (a) Before making a demand that the governor of another
23 state surrender an individual charged criminally in this state with
24 having failed to provide for the support of an obligee, the governor
25 of this state may require a prosecutor of this state to
26 demonstrate[+]

27 [~~(1)~~] that, not less than 60 days previously [~~before~~

1 ~~the date of the demand~~], the obligee had initiated proceedings for
2 support under this chapter~~+~~ or
3 ~~(2)~~ that ~~initiating~~ the proceeding would be of no
4 avail.

5 SECTION 61. Section 159.901, Family Code, is amended to
6 read as follows:

7 Sec. 159.901. UNIFORMITY OF APPLICATION AND CONSTRUCTION.
8 In applying and construing this uniform act ~~chapter~~,
9 consideration must be given to the need to promote uniformity of the
10 law with respect to its ~~the~~ subject matter ~~of this chapter~~ among
11 states that enact it ~~a law similar to this chapter~~.

12 SECTION 62. Chapter 159, Family Code, as amended by this
13 Act, applies to proceedings commenced on or after the effective
14 date of this Act to establish a support order, determine parentage
15 of a child, or register, recognize, enforce, or modify a prior
16 support order, determination, or agreement regardless of the date
17 the order, determination, or agreement was issued or entered.

18 SECTION 63. This Act takes effect September 1, 2015.