

***LEGISLATIVE HISTORY CHECKLIST***

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**LAWS OF:** 1998

**CHAPTER:**2

**NJSA:** 2A:4A-30.65 to 2A:4A-30.123  
"Uniform Interstate Family Support Act"

**BILL NO:** A1646 (Substituted for S461)

**SPONSOR(S):** Cottrell and Heck

**DATE INTRODUCED:**January 29, 1998

**COMMITTEE:**

***ASSEMBLY:*** Judiciary

***SENATE:*** ~~~~

**AMENDED DURING PASSAGE:**Yes

**DATE OF PASSAGE:**

***ASSEMBLY:*** February 19, 1998

***SENATE:*** February 26, 1998

**DATE OF APPROVAL:** March 5, 1998

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**THE FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL:** 1<sup>st</sup> reprint  
(Amendments during passage denoted by superscript numbers)

**A1646**

**SPONSORS STATEMENT:** *Yes* (Begins on page 23 of original bill)

**COMMITTEE STATEMENT:**

***ASSEMBLY:*** *Yes*

**SENATE:** *No*

**FLOOR AMENDMENT STATEMENTS:** *No*

**LEGISLATIVE FISCAL ESTIMATE:** *No*

## **S461**

**SPONSORS STATEMENT:** *Yes* (Begins on page 23 of original bill)  
(Bill and Sponsors Statement identical to A1646)

**COMMITTEE STATEMENT:**

**ASSEMBLY:** *No*

**SENATE:** *Yes* (Identical to Assembly Statement for A1646)

**FLOOR AMENDMENT STATEMENTS:** *No*

**LEGISLATIVE FISCAL ESTIMATE:** *No*

**VETO MESSAGE:** *No*

**GOVERNOR'S PRESS RELEASE ON SIGNING:** *Yes*

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### **THE FOLLOWING WERE PRINTED:**

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the State Library (609) 278-2640 EXT. 102 or [refdesk@njstatelib.org](mailto:refdesk@njstatelib.org)*

### **REPORTS:**

#### **974.90 C866 1996e**

New Jersey. Supreme Court.

**New Jersey child support guidelines : court rule 5:6A and Appendix IX :  
effective September 1, 1998.**

[Trenton, N.J. ; New Jersey Administrative Office of the Courts,1998]

[ see pp. 17-18]

### **HEARINGS:**

#### **974.90 C866 1998b**

New Jersey. Legislature. Senate. Judiciary Committee.

**Public hearing before Senate Judiciary Committee : Senate bill no. 2363**

**(Uniform Interstate Family Support Act and New Jersey Child Support Program Improvement Act) : [Trenton, New Jersey, January 6, 1998]**

**NEWSPAPER ARTICLES:**

"Providing support--new laws let NJ track, seize assets of deadbeats," Asbury Park Press, 3-6-98, p.A3.

"Whitman signs tighter laws on child support," Bergen Record, 3-6-98, p. A2.

"State turns up heat on deadbeat parents," Newark Star Ledger, 3-6-98, p. 26.

[First Reprint]

**ASSEMBLY, No. 1646**

**STATE OF NEW JERSEY**  
**208th LEGISLATURE**

INTRODUCED JANUARY 29, 1998

**Sponsored by:**

**Assemblyman MELVIN COTTRELL**

**District 30 (Burlington, Monmouth and Ocean)**

**Assemblywoman ROSE MARIE HECK**

**District 38 (Bergen)**

**Cosponsored by:**

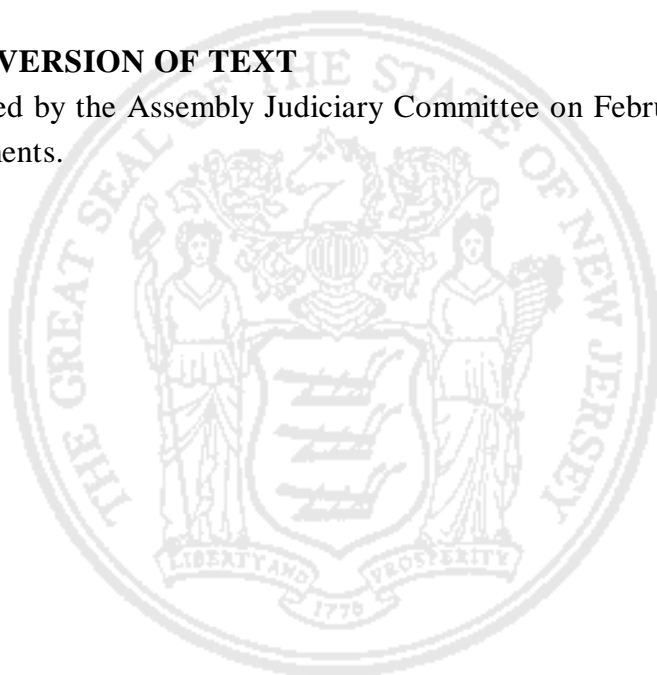
**Assemblymen Moran, Felice, Talarico, T.Smith, DiGaetano, O'Toole and Zecker**

**SYNOPSIS**

"Uniform Interstate Family Support Act."

**CURRENT VERSION OF TEXT**

As reported by the Assembly Judiciary Committee on February 10, 1998, with amendments.



1 AN ACT concerning support proceedings, supplementing Title 2A of  
2 the New Jersey Statutes and repealing P.L.1981, c.243 and sections  
3 15 and 16 of P.L.1985, c.278.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8  
9 ARTICLE 1  
10 GENERAL PROVISIONS

11  
12 1. As used in this act:

13 "Child" means a person, whether over or under the age of majority,  
14 who is or is alleged to be owed a duty of support by the person's  
15 parent or who is or is alleged to be the beneficiary of a support order  
16 directed to the parent.

17 "Child support order" means a support order for a child, including  
18 a child who has attained the age of majority under the law of the  
19 issuing state.

20 "Duty of support" means an obligation imposed or imposed by law  
21 to provide support for a child, spouse, or former spouse, including an  
22 unsatisfied obligation to provide support.

23 "Home state" means the state in which a child lived with a parent  
24 or a person acting as parent for at least six consecutive months  
25 immediately preceding the time of filing of a complaint or comparable  
26 pleading for support and, if a child is less than six months old, the state  
27 in which the child lived from birth with any of them. A period of  
28 temporary absence of any of them is counted as part of the six-month  
29 or other period.

30 "Income" <sup>1</sup>**[includes earnings or other periodic entitlements to**  
31 **money from any source and any other property subject to withholding**  
32 **for support under the law of this State. For the purposes of**  
33 **establishing or modifying a child support order, income is defined by**  
34 **the New Jersey Support Guidelines (Rule 5:6A and Appendix IX of**  
35 **the Rules Governing the Courts of the State of New Jersey)] for the**  
36 **purposes of enforcing a support order, means, but is not limited to,**  
37 **commissions, salaries, earnings, wages, rent monies, unemployment**  
38 **compensation, workers' compensation, any legal or equitable interest**  
39 **or entitlement owed that was acquired by a cause of action, suit, claim**  
40 **or counterclaim, insurance benefits, claims, accounts, assets of estates,**  
41 **inheritances, trusts, federal or State income tax refunds, homestead**

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

**<sup>1</sup> Assembly AJU committee amendments adopted February 10, 1998.**

1 rebates, State lottery prizes, casino and racetrack winnings, annuities,  
2 retirement benefits, veteran's benefits, union benefits, or any other  
3 earnings or other periodic entitlements to money from any source and  
4 any other property subject to withholding for child support pursuant  
5 to State law.

6 For the purposes of establishing a support order, income is defined  
7 pursuant to the child support guidelines in Appendix IX of the Rules  
8 Governing the Courts of the State of New Jersey.<sup>1</sup>

9 "Income-withholding order" means an order or other legal process  
10 directed to an obligor's employer as defined by the "New Jersey Child  
11 Support Improvement Act," P.L. , c. (C. )(Pending before the  
12 Legislature as Assembly Bill No. 1645 ) to withhold support from the  
13 income of the obligor.

14 "Initiating state" means a state from which a proceeding is  
15 forwarded or in which a proceeding is filed for forwarding to a  
16 responding state under this act or a law or procedure substantially  
17 similar to this act, or under a law or procedure substantially similar to  
18 the "Uniform Reciprocal Enforcement of Support Act," or the  
19 "Revised Uniform Reciprocal Enforcement of Support Act."

20 "Initiating tribunal" means the authorized tribunal in an initiating  
21 state.

22 "Issuing state" means the state in which a tribunal issues a support  
23 order or renders a judgment determining parentage.

24 "Issuing tribunal" means the tribunal that issues a support order or  
25 renders a judgment determining parentage.

26 "Law" includes decisional and statutory law, and rules and  
27 regulations having the force of law.

28 "Obligee" means an individual to whom a duty of support is or is  
29 alleged to be owed or in whose favor a support order has been issued  
30 or a judgment determining parentage has been rendered; a state or  
31 political subdivision to which the rights under a duty of support or  
32 support order have been assigned or which has independent claims  
33 based on financial assistance provided to an individual obligee; or an  
34 individual seeking a judgment determining parentage of the individual's  
35 child or providing for the support of a child.

36 "Obligor" means an individual, or the estate of a decedent who  
37 owes or is alleged to owe a duty of support; who is alleged but has not  
38 been adjudicated to be a parent of a child; or who is liable under a  
39 support order.

40 "Register" means to record a support order or judgment  
41 determining parentage in the registering tribunal.

42 "Registering tribunal" means a tribunal in which a support order is  
43 registered.

44 "Responding state" means a state in which a proceeding is filed or  
45 to which a proceeding is forwarded for filing from an initiating state  
46 under this act or a law substantially similar to this act, or under a law

1 or procedure substantially similar to the "Uniform Reciprocal  
2 Enforcement of Support Act," or the "Revised Uniform Reciprocal  
3 Enforcement of Support Act."

4 "Responding tribunal" means the authorized tribunal in a responding  
5 state.

6 "Spousal-support order" means a support order for a spouse or  
7 former spouse of the obligor.

8 "State" means a state of the United States, the District of Columbia,  
9 the Commonwealth of Puerto Rico, or any territory or insular  
10 possession subject to the jurisdiction of the United States. State  
11 includes:

12 a. an Indian tribe; and

13 b. a foreign jurisdiction that has enacted a law or established  
14 procedures for issuance and enforcement of support orders which are  
15 substantially similar to the procedures under this act or the procedures  
16 under the "Uniform Reciprocal Enforcement of Support Act," or the  
17 "Revised Uniform Reciprocal Enforcement of Support Act."

18 "State IV-D agency" means the Department of Human Services.

19 "Support enforcement agency" means a public official or agency  
20 authorized to seek: enforcement of support orders or laws relating to  
21 the duty of support; establishment or modification of child support;  
22 determination of parentage; or to locate obligors or their assets. In  
23 this State, the Probation Division shall be the support enforcement  
24 agency.

25 "Support order" means a judgment, decree, or order, whether  
26 temporary, final, or subject to modification, for the benefit of a child,  
27 a spouse, or a former spouse, which provides for monetary support,  
28 health care coverage, arrearages, or reimbursement, and may include  
29 related costs and fees, interest, income withholding, attorney's fees,  
30 and other relief.

31 "Tribunal" means a court, administrative agency, or quasi-judicial  
32 entity authorized to establish, enforce, or modify support orders or to  
33 determine parentage.

34

35 2. The Superior Court, Chancery Division, Family Part is the  
36 tribunal of this State.

37

38 3. Remedies provided by this act are cumulative and do not affect  
39 the availability of remedies under other law.

40

41

42

ARTICLE 2  
JURISDICTION

43

44

45

PART A

46

EXTENDED PERSONAL JURISDICTION

1 4. In a proceeding to establish, enforce, or modify a support order  
2 or to determine parentage, a tribunal of this State may exercise  
3 personal jurisdiction over a nonresident individual or the individual's  
4 guardian or conservator if:

5 a. the individual is personally served with a summons or notice  
6 within this State;

7 b. the individual submits to the jurisdiction of this State by consent,  
8 by entering a general appearance, or by filing a responsive document  
9 having the effect of waiving any contest to personal jurisdiction;

10 c. the individual resided with the child in this State;

11 d. the individual resided in this State and provided prenatal expense  
12 or support for the child;

13 e. the child resides in this State as a result of the acts or directives  
14 of the individual;

15 f. the individual engaged in sexual intercourse in this State and the  
16 child may have been conceived by that act of intercourse; or

17 g. there is any other basis consistent with the constitutions of this  
18 State and the United States for the exercise of personal jurisdiction.

19  
20 5. A tribunal of this State exercising personal jurisdiction over a  
21 nonresident under section 4 of this act may apply section 28 of this act  
22 to receive evidence from another state, and section 30 of this act to  
23 obtain discovery through a tribunal of another state. In all other  
24 respects, sections 13 through 53 of this act do not apply and the  
25 tribunal shall apply the procedural and substantive law of this State,  
26 including the rules on choice of law other than those established by  
27 this act.

28  
29  
30 PART B

31 PROCEEDINGS INVOLVING TWO OR MORE STATES

32  
33 6. Under this act, a tribunal of this State may serve as an initiating  
34 tribunal to forward proceedings to another state and as a responding  
35 tribunal for proceedings initiated in another state.

36  
37 7. a. A tribunal of this State may exercise jurisdiction to establish  
38 a support order if the complaint, petition or comparable pleading is  
39 filed after a complaint or comparable pleading is filed in another state  
40 only if:

41 (1) the complaint, petition or comparable pleading in this State is  
42 filed before the expiration of the time allowed in the other state for  
43 filing a responsive pleading challenging the exercise of jurisdiction by  
44 the other state;

45 (2) the contesting party timely challenges the exercise of  
46 jurisdiction in the other state; and



1 (3) if relevant, this State is the home state of the child.

2 b. A tribunal of this State may not exercise jurisdiction to establish  
3 a support order if the complaint, petition or comparable pleading is  
4 filed before a petition or comparable pleading is filed in another state  
5 if:

6 (1) the complaint, petition or comparable pleading in the other  
7 state is filed before the expiration of the time allowed in this State for  
8 filing a responsive pleading challenging the exercise of jurisdiction by  
9 this State;

10 (2) the contesting party timely challenges the exercise of  
11 jurisdiction in this State; and

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

13

14 8. a. A tribunal of this State issuing a support order consistent  
15 with the law of this State has continuing, exclusive jurisdiction over a  
16 child support order:

17 (1) as long as this State remains the residence of the obligor, the  
18 individual obligee, or the child for whose benefit the support order is  
19 issued; or

20 (2) until all of the parties who are individuals have filed written  
21 consents with the tribunal of this State for a tribunal of another state  
22 to modify the order and assume continuing, exclusive jurisdiction.

23 b. A tribunal of this State issuing a child support order consistent  
24 with the law of this State may not exercise its continuing jurisdiction  
25 to modify the order if the order has been modified by a tribunal of  
26 another state pursuant to this act or a law substantially similar to this  
27 act.

28 c. If a child support order of this State is modified by a tribunal of  
29 another state pursuant to this act or a law substantially similar to this  
30 act, a tribunal of this State loses its continuing, exclusive jurisdiction  
31 with regard to prospective enforcement of the order issued in this  
32 State and may only:

33 (1) enforce the order that was modified as to amounts accruing  
34 before the modification;

35 (2) enforce nonmodifiable aspects of that order; and

36 (3) provide other appropriate relief for violations of that order  
37 which occurred before the effective date of the modification.

38 d. A tribunal of this State shall recognize the continuing, exclusive  
39 jurisdiction of a tribunal of another state which has issued a child  
40 support order pursuant to this act or a law substantially similar to this  
41 act.

42 e. A temporary support order issued ex parte or pending resolution  
43 of a jurisdictional conflict does not create continuing, exclusive  
44 jurisdiction in the issuing tribunal.

45 f. A tribunal of this State issuing a support order consistent with  
46 the law of this State has continuing, exclusive jurisdiction over a

1 spousal support order throughout the existence of the support  
2 obligation. A tribunal of this State may not modify a spousal support,  
3 custody visitation, or non-child support provisions of an order issued  
4 by a tribunal of another state having continuing, exclusive jurisdiction  
5 over that order under the law of that state.

6  
7 9. a. A tribunal of this State shall serve as an initiating tribunal to  
8 request a tribunal of another state to enforce or modify a support  
9 order issued in that state.

10 b. A tribunal of this State having continuing, exclusive jurisdiction  
11 over a support order may act as a responding tribunal to enforce or  
12 modify the order. If a party subject to the continuing, exclusive  
13 jurisdiction of the tribunal no longer resides in the issuing state, in  
14 subsequent proceedings the tribunal may apply section 28 of this act  
15 to receive evidence from another state and section 30 of this act to  
16 obtain discovery through a tribunal of another state.

17 c. A tribunal of this State which lacks continuing, exclusive  
18 jurisdiction over a spousal support order may not serve as a  
19 responding tribunal to modify a spousal support order of another state.

20

## 21 PART C

### 22 RECONCILIATION OF MULTIPLE OBLIGATIONS

23

24 10. a. If a proceeding is brought under this act, and only one  
25 tribunal has issued a child support order, the order of that tribunal  
26 controls and shall be so recognized.

27 b. If a proceeding is brought under this act, and two or more child  
28 support orders have been issued by tribunals of this State or another  
29 state with regard to the same obligor and child, a tribunal of this State  
30 shall apply the following rules in determining which order to recognize  
31 for purposes of continuing, exclusive jurisdiction:

32 (1) If only one of the tribunals would have continuing, exclusive  
33 jurisdiction under this act, the order of that tribunal controls and shall  
34 be so recognized.

35 (2) If more than one of the tribunals would have continuing,  
36 exclusive jurisdiction under this act, an order issued by a tribunal in  
37 the current home state of the child shall be recognized, but if an order  
38 has not been issued in the current home state of the child, the order  
39 most recently issued controls and shall be recognized.

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

44 c. If two or more child support obligations have been issued for the  
45 same obligor and child and if the obligor or the individual obligee  
46 <sup>1</sup> ~~resided~~ resides<sup>1</sup> in this State, a party may request a tribunal of this

1 State to determine which order controls and shall be recognized under  
2 subsection b. of this section. The request shall be accompanied by a  
3 certified copy of every support order in effect. The requesting party  
4 shall give notice of the request to each party whose rights may be  
5 affected by a determination.

6 d. The tribunal that issued the controlling order that shall be  
7 recognized as controlling under subsection a., b., or c. of this section  
8 is the tribunal that has continuing, exclusive jurisdiction.

9 e. A tribunal of this State which determines by order the identity  
10 of the controlling order under paragraphs (1) or (2) of subsection b.  
11 of this section or which issues a new controlling order under paragraph  
12 (3) of subsection b. of this section shall state in that order the basis  
13 upon which the tribunal made its determination.

14 f. Within 30 days after issuance of the order determining the  
15 identity of the controlling order, the party obtaining that order shall  
16 file a certified copy of it with each tribunal that issued or registered an  
17 earlier order of child support. A party who obtains the order and fails  
18 to file a certified copy, is subject to appropriate sanctions by a tribunal  
19 in which the issue of failure to file arises, but that failure has no effect  
20 on the validity or enforceability of the controlling order.

21  
22 11. In responding to multiple registrations or petitions for  
23 enforcement of two or more child support orders in effect at the same  
24 time with regard to the same obligor and different individual obligees,  
25 at least one of which was issued by a tribunal of another state, a  
26 tribunal of this State shall enforce those orders in the same manner as  
27 if the multiple orders had been issued by a tribunal of this State.

28  
29 12. Amounts collected and credited for a particular period pursuant  
30 to a support order issued by a tribunal of another state must be  
31 credited against the amounts accruing or accrued for the same period  
32 under a support order issued by a tribunal of this State.

33

34

35

### ARTICLE 3

36

### CIVIL PROVISIONS OF GENERAL APPLICATION

37

38 13. a. Except as otherwise provided in this act, this article applies  
39 to all proceedings under this act.

40 b. This act provides for the following proceedings:

41 (1) establishment of an order for spousal support or child support  
42 pursuant to section 32 of this act;

43 (2) enforcement of a support order and income-withholding order  
44 of another state without registration pursuant to sections 33 through  
45 39 of this act;

46 (3) registration of an order for spousal support or child support of

1 another state for enforcement pursuant to sections 40 through 53 of  
2 this act;

3 (4) modification of an order for child support or spousal support  
4 issued by a tribunal of this State pursuant to sections 6 through 9 of  
5 this act;

6 (5) registration of an order for child support of another state for  
7 modification pursuant to sections 40 through 53 of this act;

8 (6) determination of parentage pursuant to section 54 of this act;  
9 and

10 (7) assertion of jurisdiction over nonresidents pursuant to sections  
11 4 and 5 of this act.

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

18

19 14. A minor parent, or a guardian or other legal representative of  
20 a minor parent, may maintain a proceeding on behalf of or for the  
21 benefit of the minor's child.

22

23 15. Except as otherwise provided by this act, a responding tribunal  
24 of this State:

25 a. shall apply the procedural and substantive law, including the  
26 rules on choice of law, generally applicable to similar proceedings  
27 originating in this State and may exercise all powers and provide all  
28 remedies available in those proceedings; and

29 b. shall determine the duty of support and the amount payable in  
30 accordance with the law and support guidelines of this State.

31

32 16. a. Upon the filing of a complaint, petition or comparable  
33 pleading authorized by this act, an initiating tribunal or the support  
34 enforcement agency of this State shall forward three copies of the  
35 complaint, petition or comparable pleading and its accompanying  
36 documents:

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

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

43 b. If a responding state has not enacted this act or a law or  
44 procedure substantially similar to this act, a tribunal of this State may  
45 issue a certificate or other documents and make findings required by  
46 the law of the responding state. If the responding state is a foreign

1 jurisdiction, the tribunal may specify the amount of support sought and  
2 provide other documents necessary to satisfy the requirements of the  
3 responding state.

4

5 17. a. When a responding tribunal of this State receives a  
6 complaint, petition or comparable pleading from an initiating tribunal  
7 or directly pursuant to subsection c. of section 13 of this act, it shall  
8 cause the complaint, petition or comparable pleading to be filed and  
9 notify the petitioner where and when it was filed.

10 b. A responding tribunal of this State, to the extent otherwise  
11 authorized by law, may do one or more of the following:

12 (1) issue or enforce a support order, modify a child support order,  
13 or render a judgment to determine parentage;

14 (2) order an obligor to comply with a support order, specifying the  
15 amount and the manner of compliance;

16 (3) order income withholding;

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

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

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

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

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

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

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

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

32 (12) grant any other available remedy.

33 c. A responding tribunal of this State shall include in a support  
34 order issued under this act, or in the documents accompanying the  
35 order, the calculations on which the support order is based.

36 d. A responding tribunal of this State may not condition the  
37 payment of a support order issued under this act upon compliance by  
38 a party with provisions for visitation.

39 e. If a responding tribunal of this State issues an order under this  
40 act, the tribunal shall send a copy of the order to the petitioner and the  
41 respondent and to the initiating tribunal, if any, or may deliver a copy  
42 to the parties at the conclusion of a proceeding.

43

44 18. If a complaint, petition or comparable pleading is received by  
45 an inappropriate tribunal of this State, it shall forward the pleading and  
46 accompanying documents to an appropriate tribunal in this State or

1 another state and notify the petitioner and the initiating tribunal, if any,  
2 where and when the pleading was sent.

3  
4 19. a. A support enforcement agency of this State, upon request,  
5 shall provide services to a petitioner in a proceeding under this act.

6 b. A support enforcement agency that is providing services to the  
7 petitioner, as appropriate, shall:

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

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

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

14 (4) within two days, exclusive of Saturdays, Sundays, and legal  
15 holidays, after receipt of a written notice from an initiating,  
16 responding, or registering tribunal, send a copy of the notice to the  
17 petitioner;

18 (5) within two days, exclusive of Saturdays, Sundays, and legal  
19 holidays, after receipt of a written communication from the respondent  
20 or the respondent's attorney, send a copy of the communication to the  
21 petitioner; and

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

24 c. This act does not create or negate a relationship of attorney and  
25 client or other fiduciary relationship between a support enforcement  
26 agency or the attorney for the agency and the individual being assisted  
27 by the agency.

28  
29 20. If the Attorney General determines that the support  
30 enforcement agency is neglecting or refusing to provide services to an  
31 individual, the Attorney General may order the agency to perform its  
32 duties under this act or may provide those services directly to the  
33 individual.

34  
35 21. An individual may employ private counsel to represent the  
36 individual in proceedings authorized by this act. If the tribunal of this  
37 State is acting as a responding tribunal and the petitioner or initiating  
38 support enforcement agency has not employed private counsel in this  
39 State, the State IV-D agency shall provide legal representation in IV-D  
40 cases to the petitioner or the initiating support enforcement agency, if  
41 any, in all proceedings brought under this act. The State IV-D agency  
42 shall not assess fees or other costs on the petitioner or the initiating  
43 support enforcement agency, if any, for such representation.

44  
45 22. a. The Administrative Office of the Courts is the State  
46 information agency under this act.

1       b. The State information agency shall:

2       (1) compile and maintain a current list, including addresses, of the  
3 tribunals in this State which have jurisdiction under this act and any  
4 support enforcement agencies in this State and transmit a copy to the  
5 state information agency of every other state;

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

8       (3) forward to the appropriate tribunal in the place in this State in  
9 which the individual obligee or the obligor resides, or in which the  
10 obligor's property is believed to be located, all documents concerning  
11 a proceeding under this act received from the initiating tribunal or the  
12 state information agency of the initiating state; and

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

21

22       23. a. A petitioner seeking to establish or modify a support order  
23 or to determine parentage in a proceeding under this act shall verify  
24 the complaint, petition or comparable pleading. Unless otherwise  
25 ordered under section 24 of this act, the complaint, petition or  
26 comparable pleading or accompanying documents shall provide, so far  
27 as known, the name, residential address, and social security numbers  
28 of the obligor and the obligee, and the name, sex, residential address,  
29 social security number, and date of birth of each child for whom  
30 support is sought. The complaint, petition or comparable pleading  
31 shall be accompanied by a certified copy of any support order in effect.  
32 The complaint, petition or comparable pleading may include any other  
33 information that may assist in locating or identifying the respondent.

34       b. The complaint, petition or comparable pleading shall specify the  
35 relief sought. The complaint, petition or comparable pleading and  
36 accompanying documents shall conform substantially with the  
37 requirements imposed by the forms mandated by federal law for use in  
38 cases filed by a support enforcement agency.

39

40       24. Upon a finding, which may be made ex parte, that the health,  
41 safety, or liberty of a party or child would be unreasonably put at risk  
42 by the disclosure of identifying information, or if any existing order so  
43 provides, a tribunal shall order that the address of the child or party or  
44 other identifying information not be disclosed in a pleading or other  
45 document filed in a proceeding under this act.

1       25. a. The petitioner may not be required to pay a filing fee or  
2 other costs.

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

13       c. The tribunal shall order the payment of costs and reasonable  
14 attorney's fees if it determines that a hearing was requested primarily  
15 for delay. In a proceeding under sections 33 through 46 of this act,  
16 a hearing is presumed to have been requested primarily for delay if a  
17 registered support order is confirmed or enforced without change.

18

19       26. a. Participation by a petitioner in a proceeding before a  
20 responding tribunal, whether in person, by private attorney, or through  
21 services provided by the support enforcement agency, does not confer  
22 personal jurisdiction over the petitioner in another proceeding.

23       b. A petitioner is not amenable to service of civil process while  
24 physically present in this State to participate in a proceeding under this  
25 act.

26       c. The immunity granted by this section does not extend to civil  
27 litigation based on acts unrelated to a proceeding under this act  
28 committed by a party while present in this State to participate in the  
29 proceeding.

30

31       27. A party whose parentage of a child has been previously  
32 determined by or pursuant to law may not plead nonparentage as a  
33 defense to a proceeding under this act.

34

35       28. a. The physical presence of the petitioner in a responding  
36 tribunal of this State is not required for the establishment,  
37 enforcement, or modification of a support order or the rendition of a  
38 judgment determining parentage.

39       b. A verified complaint, petition or comparable pleading, affidavit,  
40 document substantially complying with federally mandated forms, or  
41 a document incorporated by reference in any of them, not excluded  
42 under the hearsay rule if given in person, is admissible in evidence if  
43 given under oath by a party or witness residing in another state.

44       c. A copy of the record of child support payments certified as a  
45 true copy of the original by the custodian of the record may be  
46 forwarded to a responding tribunal. This copy is evidence of facts



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

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

7 e. Documentary evidence transmitted from another state to a  
8 tribunal of this State by telephone, telecopier, or other means that do  
9 not provide an original writing may not be excluded from evidence on  
10 an objection based on the means of transmission.

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

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

20 h. A privilege against disclosure of communications between  
21 spouses does not apply in a proceeding under this act.

22 i. The defense of immunity based on the relationship of husband  
23 and wife or parent and child does not apply in a proceeding under this  
24 act.

25

26 29. A tribunal of this State may communicate with a tribunal of  
27 another state in writing, or by telephone or other means, to obtain  
28 information concerning the laws of that state, the legal effects of a  
29 judgment, decree, or order of that tribunal, and the status of a  
30 proceeding in the other state. A tribunal of this State may furnish  
31 similar information by similar means to a tribunal of another state.

32

33 30. A tribunal of this State may:

34 a. request a tribunal of another state to assist in obtaining  
35 discovery; and

36 b. upon request, compel a person over whom it has jurisdiction to  
37 respond to a discovery order issued by a tribunal of another state.

38

39 31. A support enforcement agency shall disburse promptly any  
40 amounts received pursuant to a support order, as directed by the  
41 order. The agency or tribunal shall furnish to a requesting party or  
42 tribunal of another state a certified statement by the custodian of the  
43 record of the amounts and dates of all payments received.

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ARTICLE 4  
ESTABLISHMENT OF SUPPORT ORDER

32. a. If a support order entitled to recognition under this act has not been issued, a responding tribunal of this State may issue a support order if:

- (1) the individual seeking the order resides in another state; or
- (2) the support enforcement agency seeking the order is located in another state.

b. The tribunal may issue a temporary child support order if:

- (1) the respondent has signed a verified statement acknowledging parentage;
- (2) the respondent has been determined by or pursuant to law to be the parent; or
- (3) there is other clear and convincing evidence that the respondent is the child's parent.

c. Upon finding, after notice and opportunity to be heard, that an obligor owes a duty of support, the tribunal shall issue a support order directed to the obligor and may issue other orders pursuant to section 17 of this act.

ARTICLE 5  
ENFORCEMENT OF ORDER OF ANOTHER  
STATE WITHOUT REGISTRATION

33. An income-withholding order issued in another state may be sent to the person or entity defined as the obligor's payor under P.L.1981, c.417 (C.2A:17-56.7 et al.), P.L.1985, c.278 (C.2A:17-56.16 et seq.) and P.L. c. (C. )(Pending before the Legislature as Assembly Bill No. 1645) without first filing a complaint, petition or comparable pleading or registering the order with a tribunal of this State.

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

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

c. Except as otherwise provided in subsection d. of this section and section 35 of this act, the employer shall withhold and distribute the funds as directed in the withholding order by complying with terms of the order, which specify:

- (1) the duration and amount of periodic payments of current child support, stated as a sum certain;
- (2) the person or agency designated to receive payments and the

1 address to which the payments are to be forwarded;

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

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

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

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

14 (1) the employer's fee for processing an income-withholding  
15 obligation;

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

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

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

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

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

38 38. a. An obligor may contest the validity or enforcement of an  
39 income-withholding order issued in another state and received directly  
40 by an employer in this State in the same manner as if the order had  
41 been issued by a tribunal of this State. Section 44 of this act applies  
42 to the contest.

43 b. The obligor shall give notice of the contest to:

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

45 (2) each employer that has directly received an income-withholding  
46 obligation; and

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

4  
5 39. a. A party seeking to enforce a support order or an  
6 income-withholding order, or both, issued by a tribunal of another  
7 state may send the documents required for registering the order to a  
8 support enforcement agency of this State.

9 b. Upon receipt of the documents, the support enforcement  
10 agency, without initially seeking to register the order, shall consider  
11 and, if appropriate, use any administrative procedure authorized by the  
12 law of this State to enforce a support order or an income-withholding  
13 order, or both. If the obligor does not contest administrative  
14 enforcement, the order need not be registered. If the obligor contests  
15 the validity or administrative enforcement of the order, the support  
16 enforcement agency shall register the order pursuant to this act.

17  
18  
19 ARTICLE 6  
20 ENFORCEMENT AND MODIFICATION OF SUPPORT  
21 ORDER AFTER REGISTRATION  
22 PART A

23 REGISTRATION AND ENFORCEMENT OF SUPPORT ORDER  
24

25 40. A support order or an income-withholding order issued by a  
26 tribunal of another state may be registered in this State for  
27 enforcement.

28  
29 41. a. A support order or income-withholding order of another  
30 state may be registered in this State by sending the following  
31 documents and information to the appropriate tribunal in this State:

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

34 (2) two copies, including one certified copy, of all orders to be  
35 registered, including any modification of an order;

36 (3) a sworn statement by the party seeking registration or a  
37 certified statement by the custodian of the records showing the amount  
38 of any arrearage;

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

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

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

43 (c) a description and the location of property of the obligor in this  
44 State not exempt from execution; and

45 (5) the name and address of the obligee and, if applicable, the  
46 agency or person to whom support payments are to be remitted.



1 c. Upon registration of an income-withholding order for  
2 enforcement, the registering tribunal shall notify the support  
3 enforcement agency or the obligor's employer pursuant to the "New  
4 Jersey Child Support Program Improvement Act," P.L. , c. (C.)  
5 (Pending before the Legislature as Assembly Bill No. 1645), P.L.1981,  
6 c.417 (C.2A:17-56.7 et al.) and P.L.1985, c.278 (C.2A:17-56.16 et  
7 seq.).

8  
9 45. a. A nonregistering party seeking to contest the validity or  
10 enforcement of a registered order in this State shall request a hearing  
11 within 20 days after the date of mailing or personal service of notice  
12 of the registration. The nonregistering party may seek to vacate the  
13 registration, to assert any defense to an allegation of noncompliance  
14 with the registered order, or to contest the remedies being sought or  
15 the amount of any alleged arrearages pursuant to section 46 of this act.

16 b. If the nonregistering party fails to contest the validity or  
17 enforcement of the registered order in a timely manner, the order is  
18 confirmed by operation of law.

19 c. If a nonregistering party requests a hearing to contest the  
20 validity or enforcement of the registered order, the registering tribunal  
21 shall schedule the matter for hearing and give notice to the parties of  
22 the date, time and place of the hearing.

23  
24 46. a. A party contesting the validity or enforcement of a  
25 registered order or seeking to vacate the registration has the burden  
26 of proving one or more of the following defenses:

27 (1) the issuing tribunal lacked personal jurisdiction over the  
28 contesting party;

29 (2) the order was obtained by fraud;

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

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

33 (5) there is a defense under the law of this State to the remedy  
34 sought;

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

36 (7) the statute of limitation under section 43 of this act precludes  
37 enforcement of some or all of the arrearages.

38 b. If a party presents evidence establishing a full or partial defense  
39 under subsection a. of this section, a tribunal may stay enforcement of  
40 the registered order, continue the proceeding to permit production of  
41 additional relevant evidence, or issue other appropriate orders. An  
42 uncontested portion of the registered order may be enforced by all  
43 remedies available under the law of this State.

44 c. If the contesting party does not establish a defense under  
45 subsection a. of this section to the validity or enforcement of the  
46 order, the registering tribunal shall issue an order confirming the order.

1 47. Confirmation of a registered order, whether by operation of  
2 law or after notice and hearing, precludes further contest of the order  
3 with respect to any matter that could have been asserted at the time of  
4 registration.

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7 PART C  
8 REGISTRATION AND MODIFICATION OF  
9 CHILD SUPPORT ORDER  
10

11 48. A party or support enforcement agency seeking to modify, or  
12 to modify and enforce, a child support order issued in another state  
13 shall register that order in this State in the same manner provided in  
14 sections 40 through 43 of this act if the order has not been registered.  
15 A complaint, petition or comparable pleading for modification may be  
16 filed at the same time as a request for registration, or later. The  
17 pleading must specify the grounds for modification.

18  
19 49. A tribunal of this State may enforce a child support order of  
20 another state registered for purposes of modification, in the same  
21 manner as if the order had been issued by a tribunal of this State, but  
22 the registered order may be modified only if the requirements of  
23 section 50 of this act have been met.

24  
25 50. a. After a child support order issued in another state has been  
26 registered in this State, the registering tribunal of this State may  
27 modify that order only if section 52 of this act does not apply and after  
28 notice and hearing it finds that:

29 (1) the following requirements are met:

30 (a) the child, the individual obligee, and the obligor do not reside  
31 in the issuing state;

32 (b) a petitioner who is a nonresident of this State seeks  
33 modification; and

34 (c) the respondent is subject to the personal jurisdiction of the  
35 tribunal of this State; or

36 (2) the child or a party who is an individual is subject to the  
37 personal jurisdiction of the tribunal of this State and all of the  
38 individual parties have filed written consents in the issuing tribunal for  
39 a tribunal of this State to modify the support order and assume  
40 continuing, exclusive jurisdiction over the order. However, if the  
41 issuing state is a foreign jurisdiction which has not enacted a law or  
42 established procedures essentially similar to the procedures under this  
43 act, the consent otherwise required of an individual party residing in  
44 this State is not required for the tribunal to assume jurisdiction to  
45 modify the child support order.

46 b. Modification of a registered child support order is subject to the

1 same requirements, procedures, and defenses that apply to the  
2 modification of an order issued by a tribunal of this State and the order  
3 may be enforced and satisfied in the same manner.

4 c. A tribunal of this State may not modify any aspect of a child  
5 support order that may not be modified under the law of the issuing  
6 state. If two or more tribunals have issued child support orders for the  
7 same obligor and child, the order that controls and shall be recognized  
8 under the provisions of section 10 of this act establishes the  
9 unmodifiable aspects of the support order.

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

13

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

19 a. enforce the order that was modified only as to amounts accruing  
20 before the modification;

21 b. enforce only nonmodifiable aspects of that order;

22 c. provide other appropriate relief only for violations of that order  
23 which occurred before the effective date of the modification; and

24 d. recognize the modifying order of the other state, upon  
25 registration, for the purpose of enforcement.

26

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

31 b. A tribunal of this State exercising jurisdiction as provided in this  
32 section shall apply the provisions of sections 1 through 12 of this act  
33 and this section to the enforcement or modification proceeding.  
34 Sections 13 through 39 and sections 54 through 56 of this act do not  
35 apply and the tribunal shall apply the procedural and substantive law  
36 of this State.

37

38 53. Within 30 days after issuance of a modified child support order,  
39 the party obtaining the modification shall file a certified copy of the  
40 obligation with the issuing tribunal which had continuing, exclusive  
41 jurisdiction over the earlier order, and in each tribunal in which the  
42 party knows the earlier order has been registered. A party who  
43 obtains the order and fails to file a certified copy, is subject to  
44 appropriate sanctions by a tribunal in which the issue of failure to file  
45 arises. Failure does not affect the validity or enforceability of the  
46 modified order of the new tribunal of having continuing, exclusive



1 jurisdiction.

2

3

4

ARTICLE 7

5

DETERMINATION OF PARENTAGE

6

7 54. a. A tribunal of this State may serve as an initiating or  
8 responding tribunal in a proceeding brought under this act or a law or  
9 procedure substantially similar to this act, or under a law or procedure  
10 substantially similar to the "Uniform Reciprocal Enforcement of  
11 Support Act," or the "Revised Uniform Reciprocal Enforcement of  
12 Support Act" to determine that the petitioner is a parent of a particular  
13 child or to determine that a respondent is a parent of that child.

14 b. In a proceeding to determine parentage, a responding tribunal of  
15 this State shall apply the procedural and substantive law of this State,  
16 and the rules of this State on choice of law.

17

18

19

ARTICLE 8

20

INTERSTATE RENDITION

21

22 55. a. For the purposes of this article, "governor" includes an  
23 individual performing the functions of governor or the executive  
24 authority of a state covered by this act.

25 b. The Governor of this State may:

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

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

32 c. A provision for extradition of individuals not inconsistent with  
33 this act applies to the demand even if the individual whose surrender  
34 is demanded was not in the demanding state when the crime was  
35 allegedly committed and has not fled therefrom.

36

37 56. a. Before making demand that the governor of another state  
38 surrender an individual charged criminally in this State with having  
39 failed to provide for the support of an obligee, the Governor of this  
40 State may require a prosecutor of this State to demonstrate that at  
41 least 60 days previously the obligee had initiated proceedings for  
42 support pursuant to this act or that the proceeding would be of no  
43 avail.

44 b. If, under this act or a law substantially similar to this act, the  
45 "Uniform Reciprocal Enforcement of Support Act," or the "Revised  
46 Uniform Reciprocal Enforcement of Support Act," the governor of

1 another state makes a demand that the Governor of this State  
2 surrender an individual charged criminally in that state with having  
3 failed to provide for the support of a child or other individual to whom  
4 a duty of support is owed, the Governor may require a prosecutor to  
5 investigate the demand and report whether a proceeding for support  
6 has been initiated or would be effective. If it appears that a  
7 proceeding would be effective but has not been initiated, the Governor  
8 may delay honoring the demand for a reasonable time to permit the  
9 initiation of a proceeding.

10 c. If a proceeding for support has been initiated and the individual  
11 whose rendition is demanded prevails, the Governor may decline to  
12 honor the demand. If the petitioner prevails and the individual whose  
13 rendition is demanded is subject to a support order, the Governor may  
14 decline to honor the demand if the individual is complying with the  
15 support order.

16

17

## ARTICLE 9

## MISCELLANEOUS PROVISIONS

18

19

20

21 57. This act shall be applied and construed to effectuate its general  
22 purpose to make uniform the law with respect to the subject of this act  
23 among states enacting it.

24

25 58. This act may be cited as the "Uniform Interstate Family  
26 Support Act."

27

28 59. P.L.1981, c.243 (C.2A:4-30.24 et seq.) and sections 15 and 16  
29 of P.L.1985, c.278 (C.2A:17-56.18 and 2A:17-56.19) are repealed.

30

31 60. The repeal of P.L.1981, c.243 (C.2A:4-30.24 et seq.) and  
32 sections 15 and 16 of P.L.1985, c.278 (C.2A:17-56.18 and 2A:17-  
33 56.19) does not affect pending actions, rights, duties or liabilities  
34 based on those repealed laws, nor does it alter, discharge, release or  
35 extinguish any penalty, forfeiture, or liability incurred under those  
36 laws. After the effective date of this act, all laws repealed shall be  
37 treated as remaining in full force and effect for the purpose of  
38 sustaining any pending actions or rights filed prior to the effective date  
39 of this act and the enforcement of any rights, duties, penalties,  
40 forfeitures, or liabilities under the repealed laws.

41

42 61. This act shall take effect immediately.

# ASSEMBLY, No. 1646

## STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED JANUARY 29, 1998

**Sponsored by:**

**Assemblyman MELVIN COTTRELL**

**District 30 (Burlington, Monmouth and Ocean)**

**Assemblywoman ROSE MARIE HECK**

**District 38 (Bergen)**

**Cosponsored by:**

**Assemblymen Moran, Felice, Talarico, T.Smith, DiGaetano, O'Toole and Zecker**

**SYNOPSIS**

"Uniform Interstate Family Support Act."

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning support proceedings, supplementing Title 2A of  
2 the New Jersey Statutes and repealing P.L.1981, c.243 and sections  
3 15 and 16 of P.L.1985, c.278.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7

8

9

ARTICLE 1

10

GENERAL PROVISIONS

11

12 1. As used in this act:

13 "Child" means a person, whether over or under the age of majority,  
14 who is or is alleged to be owed a duty of support by the person's  
15 parent or who is or is alleged to be the beneficiary of a support order  
16 directed to the parent.

17 "Child support order" means a support order for a child, including  
18 a child who has attained the age of majority under the law of the  
19 issuing state.

20 "Duty of support" means an obligation imposed or imposed by law  
21 to provide support for a child, spouse, or former spouse, including an  
22 unsatisfied obligation to provide support.

23 "Home state" means the state in which a child lived with a parent  
24 or a person acting as parent for at least six consecutive months  
25 immediately preceding the time of filing of a complaint or comparable  
26 pleading for support and, if a child is less than six months old, the state  
27 in which the child lived from birth with any of them. A period of  
28 temporary absence of any of them is counted as part of the six-month  
29 or other period.

30 "Income" includes earnings or other periodic entitlements to money  
31 from any source and any other property subject to withholding for  
32 support under the law of this State. For the purposes of establishing  
33 or modifying a child support order, income is defined by the New  
34 Jersey Support Guidelines (Rule 5:6A and Appendix IX of the Rules  
35 Governing the Courts of the State of New Jersey).

36 "Income-withholding order" means an order or other legal process  
37 directed to an obligor's employer as defined by the "New Jersey Child  
38 Support Improvement Act," P.L. , c. (C. )(Pending before the  
39 Legislature as Bill No. ) to withhold support from the income  
40 of the obligor.

41 "Initiating state" means a state from which a proceeding is  
42 forwarded or in which a proceeding is filed for forwarding to a  
43 responding state under this act or a law or procedure substantially  
44 similar to this act, or under a law or procedure substantially similar to  
45 the "Uniform Reciprocal Enforcement of Support Act," or the  
46 "Revised Uniform Reciprocal Enforcement of Support Act."

1 "Initiating tribunal" means the authorized tribunal in an initiating  
2 state.

3 "Issuing state" means the state in which a tribunal issues a support  
4 order or renders a judgment determining parentage.

5 "Issuing tribunal" means the tribunal that issues a support order or  
6 renders a judgment determining parentage.

7 "Law" includes decisional and statutory law, and rules and  
8 regulations having the force of law.

9 "Obligee" means an individual to whom a duty of support is or is  
10 alleged to be owed or in whose favor a support order has been issued  
11 or a judgment determining parentage has been rendered; a state or  
12 political subdivision to which the rights under a duty of support or  
13 support order have been assigned or which has independent claims  
14 based on financial assistance provided to an individual obligee; or an  
15 individual seeking a judgment determining parentage of the individual's  
16 child or providing for the support of a child.

17 "Obligor" means an individual, or the estate of a decedent who  
18 owes or is alleged to owe a duty of support; who is alleged but has not  
19 been adjudicated to be a parent of a child; or who is liable under a  
20 support order.

21 "Register" means to record a support order or judgment  
22 determining parentage in the registering tribunal.

23 "Registering tribunal" means a tribunal in which a support order is  
24 registered.

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

31 "Responding tribunal" means the authorized tribunal in a responding  
32 state.

33 "Spousal-support order" means a support order for a spouse or  
34 former spouse of the obligor.

35 "State" means a state of the United States, the District of Columbia,  
36 the Commonwealth of Puerto Rico, or any territory or insular  
37 possession subject to the jurisdiction of the United States. State  
38 includes:

- 39 a. an Indian tribe; and  
40 b. a foreign jurisdiction that has enacted a law or established  
41 procedures for issuance and enforcement of support orders which are  
42 substantially similar to the procedures under this act or the procedures  
43 under the "Uniform Reciprocal Enforcement of Support Act," or the  
44 "Revised Uniform Reciprocal Enforcement of Support Act."

45 "State IV-D agency" means the Department of Human Services.

46 "Support enforcement agency" means a public official or agency

1 authorized to seek: enforcement of support orders or laws relating to  
2 the duty of support; establishment or modification of child support;  
3 determination of parentage; or to locate obligors or their assets. In  
4 this State, the Probation Division shall be the support enforcement  
5 agency.

6 "Support order" means a judgment, decree, or order, whether  
7 temporary, final, or subject to modification, for the benefit of a child,  
8 a spouse, or a former spouse, which provides for monetary support,  
9 health care coverage, arrearages, or reimbursement, and may include  
10 related costs and fees, interest, income withholding, attorney's fees,  
11 and other relief.

12 "Tribunal" means a court, administrative agency, or quasi-judicial  
13 entity authorized to establish, enforce, or modify support orders or to  
14 determine parentage.

15

16 2. The Superior Court, Chancery Division, Family Part is the  
17 tribunal of this State.

18

19 3. Remedies provided by this act are cumulative and do not affect  
20 the availability of remedies under other law.

21

22

23

ARTICLE 2  
JURISDICTION

24

25

26

PART A

27

EXTENDED PERSONAL JURISDICTION

28

29 4. In a proceeding to establish, enforce, or modify a support order  
30 or to determine parentage, a tribunal of this State may exercise  
31 personal jurisdiction over a nonresident individual or the individual's  
32 guardian or conservator if:

33 a. the individual is personally served with a summons or notice  
34 within this State;

35 b. the individual submits to the jurisdiction of this State by consent,  
36 by entering a general appearance, or by filing a responsive document  
37 having the effect of waiving any contest to personal jurisdiction;

38 c. the individual resided with the child in this State;

39 d. the individual resided in this State and provided prenatal expense  
40 or support for the child;

41 e. the child resides in this State as a result of the acts or directives  
42 of the individual;

43 f. the individual engaged in sexual intercourse in this State and the  
44 child may have been conceived by that act of intercourse; or

45 g. there is any other basis consistent with the constitutions of this  
46 State and the United States for the exercise of personal jurisdiction.

1       5. A tribunal of this State exercising personal jurisdiction over a  
2 nonresident under section 4 of this act may apply section 28 of this act  
3 to receive evidence from another state, and section 30 of this act to  
4 obtain discovery through a tribunal of another state. In all other  
5 respects, sections 13 through 53 of this act do not apply and the  
6 tribunal shall apply the procedural and substantive law of this State,  
7 including the rules on choice of law other than those established by  
8 this act.

9

10

11

PART B

12

PROCEEDINGS INVOLVING TWO OR MORE STATES

13

14

6. Under this act, a tribunal of this State may serve as an initiating  
15 tribunal to forward proceedings to another state and as a responding  
16 tribunal for proceedings initiated in another state.

17

18

7. a. A tribunal of this State may exercise jurisdiction to establish  
19 a support order if the complaint, petition or comparable pleading is  
20 filed after a complaint or comparable pleading is filed in another state  
21 only if:

22

(1) the complaint, petition or comparable pleading in this State is  
23 filed before the expiration of the time allowed in the other state for  
24 filing a responsive pleading challenging the exercise of jurisdiction by  
25 the other state;

26

(2) the contesting party timely challenges the exercise of  
27 jurisdiction in the other state; and

28

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

29

b. A tribunal of this State may not exercise jurisdiction to establish  
30 a support order if the complaint, petition or comparable pleading is  
31 filed before a petition or comparable pleading is filed in another state  
32 if:

33

(1) the complaint, petition or comparable pleading in the other  
34 state is filed before the expiration of the time allowed in this State for  
35 filing a responsive pleading challenging the exercise of jurisdiction by  
36 this State;

37

(2) the contesting party timely challenges the exercise of  
38 jurisdiction in this State; and

39

(3) if relevant, the other state is the home state of the child.

40

41

8. a. A tribunal of this State issuing a support order consistent  
42 with the law of this State has continuing, exclusive jurisdiction over a  
43 child support order:

44

(1) as long as this State remains the residence of the obligor, the  
45 individual obligee, or the child for whose benefit the support order is  
46 issued; or

1 (2) until all of the parties who are individuals have filed written  
2 consents with the tribunal of this State for a tribunal of another state  
3 to modify the order and assume continuing, exclusive jurisdiction.

4 b. A tribunal of this State issuing a child support order consistent  
5 with the law of this State may not exercise its continuing jurisdiction  
6 to modify the order if the order has been modified by a tribunal of  
7 another state pursuant to this act or a law substantially similar to this  
8 act.

9 c. If a child support order of this State is modified by a tribunal of  
10 another state pursuant to this act or a law substantially similar to this  
11 act, a tribunal of this State loses its continuing, exclusive jurisdiction  
12 with regard to prospective enforcement of the order issued in this  
13 State and may only:

14 (1) enforce the order that was modified as to amounts accruing  
15 before the modification;

16 (2) enforce nonmodifiable aspects of that order; and

17 (3) provide other appropriate relief for violations of that order  
18 which occurred before the effective date of the modification.

19 d. A tribunal of this State shall recognize the continuing, exclusive  
20 jurisdiction of a tribunal of another state which has issued a child  
21 support order pursuant to this act or a law substantially similar to this  
22 act.

23 e. A temporary support order issued ex parte or pending resolution  
24 of a jurisdictional conflict does not create continuing, exclusive  
25 jurisdiction in the issuing tribunal.

26 f. A tribunal of this State issuing a support order consistent with  
27 the law of this State has continuing, exclusive jurisdiction over a  
28 spousal support order throughout the existence of the support  
29 obligation. A tribunal of this State may not modify a spousal support,  
30 custody visitation, or non-child support provisions of an order issued  
31 by a tribunal of another state having continuing, exclusive jurisdiction  
32 over that order under the law of that state.

33  
34 9. a. A tribunal of this State shall serve as an initiating tribunal to  
35 request a tribunal of another state to enforce or modify a support  
36 order issued in that state.

37 b. A tribunal of this State having continuing, exclusive jurisdiction  
38 over a support order may act as a responding tribunal to enforce or  
39 modify the order. If a party subject to the continuing, exclusive  
40 jurisdiction of the tribunal no longer resides in the issuing state, in  
41 subsequent proceedings the tribunal may apply section 28 of this act  
42 to receive evidence from another state and section 30 of this act to  
43 obtain discovery through a tribunal of another state.

44 c. A tribunal of this State which lacks continuing, exclusive  
45 jurisdiction over a spousal support order may not serve as a  
46 responding tribunal to modify a spousal support order of another state.



PART C

RECONCILIATION OF MULTIPLE OBLIGATIONS

10. a. If a proceeding is brought under this act, and only one tribunal has issued a child support order, the order of that tribunal controls and shall be so recognized.

b. If a proceeding is brought under this act, and two or more child support orders have been issued by tribunals of this State or another state with regard to the same obligor and child, a tribunal of this State shall apply the following rules in determining which order to recognize for purposes of continuing, exclusive jurisdiction:

(1) If only one of the tribunals would have continuing, exclusive jurisdiction under this act, the order of that tribunal controls and shall be so recognized.

(2) If more than one of the tribunals would have continuing, exclusive jurisdiction under this act, an order issued by a tribunal in the current home state of the child shall be recognized, but if an order has not been issued in the current home state of the child, the order most recently issued controls and shall be recognized.

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

c. If two or more child support obligations have been issued for the same obligor and child and if the obligor or the individual obligee resided in this State, a party may request a tribunal of this State to determine which order controls and shall be recognized under subsection b. of this section. The request shall 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 a determination.

d. The tribunal that issued the controlling order that shall be recognized as controlling under subsection a., b., or c. of this section is the tribunal that has continuing, exclusive jurisdiction.

e. A tribunal of this State which determines by order the identity of the controlling order under paragraphs (1) or (2) of subsection b. of this section or which issues a new controlling order under paragraph (3) of subsection b. of this section shall state in that order the basis upon which the tribunal made its determination.

f. Within 30 days after issuance of the order determining the identity of the controlling order, the party obtaining that order shall file a certified copy of it with each tribunal that issued or registered an earlier order of child support. A party who obtains the order and fails to file a certified copy, is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises, but that failure has no effect on the validity or enforceability of the controlling order.

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

7  
8 12. Amounts collected and credited for a particular period pursuant  
9 to a support order issued by a tribunal of another state must be  
10 credited against the amounts accruing or accrued for the same period  
11 under a support order issued by a tribunal of this State.

12  
13  
14 ARTICLE 3  
15 CIVIL PROVISIONS OF GENERAL APPLICATION  
16

17 13. a. Except as otherwise provided in this act, this article applies  
18 to all proceedings under this act.

19 b. This act provides for the following proceedings:

20 (1) establishment of an order for spousal support or child support  
21 pursuant to section 32 of this act;

22 (2) enforcement of a support order and income-withholding order  
23 of another state without registration pursuant to sections 33 through  
24 39 of this act;

25 (3) registration of an order for spousal support or child support of  
26 another state for enforcement pursuant to sections 40 through 53 of  
27 this act;

28 (4) modification of an order for child support or spousal support  
29 issued by a tribunal of this State pursuant to sections 6 through 9 of  
30 this act;

31 (5) registration of an order for child support of another state for  
32 modification pursuant to sections 40 through 53 of this act;

33 (6) determination of parentage pursuant to section 54 of this act;  
34 and

35 (7) assertion of jurisdiction over nonresidents pursuant to sections  
36 4 and 5 of this act.

37 c. An individual or a support enforcement agency may commence  
38 a proceeding authorized under this act by filing a complaint, petition  
39 or comparable pleading in an initiating tribunal for forwarding to a  
40 responding tribunal or by filing a complaint, petition or a comparable  
41 pleading directly in a tribunal of another state which has or can obtain  
42 personal jurisdiction over the respondent.

43  
44 14. A minor parent, or a guardian or other legal representative of  
45 a minor parent, may maintain a proceeding on behalf of or for the  
46 benefit of the minor's child.

1 15. Except as otherwise provided by this act, a responding tribunal  
2 of this State:

3 a. shall apply the procedural and substantive law, including the  
4 rules on choice of law, generally applicable to similar proceedings  
5 originating in this State and may exercise all powers and provide all  
6 remedies available in those proceedings; and

7 b. shall determine the duty of support and the amount payable in  
8 accordance with the law and support guidelines of this State.

9

10 16. a. Upon the filing of a complaint, petition or comparable  
11 pleading authorized by this act, an initiating tribunal or the support  
12 enforcement agency of this State shall forward three copies of the  
13 complaint, petition or comparable pleading and its accompanying  
14 documents:

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

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

21 b. If a responding state has not enacted this act or a law or  
22 procedure substantially similar to this act, a tribunal of this State may  
23 issue a certificate or other documents and make findings required by  
24 the law of the responding state. If the responding state is a foreign  
25 jurisdiction, the tribunal may specify the amount of support sought and  
26 provide other documents necessary to satisfy the requirements of the  
27 responding state.

28

29 17. a. When a responding tribunal of this State receives a  
30 complaint, petition or comparable pleading from an initiating tribunal  
31 or directly pursuant to subsection c. of section 13 of this act, it shall  
32 cause the complaint, petition or comparable pleading to be filed and  
33 notify the petitioner where and when it was filed.

34 b. A responding tribunal of this State, to the extent otherwise  
35 authorized by law, may do one or more of the following:

36 (1) issue or enforce a support order, modify a child support order,  
37 or render a judgment to determine parentage;

38 (2) order an obligor to comply with a support order, specifying the  
39 amount and the manner of compliance;

40 (3) order income withholding;

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

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

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

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

46 (8) order an obligor to keep the tribunal informed of the obligor's

- 1 current residential address, telephone number, employer, address of  
2 employment, and telephone number at the place of employment;
- 3 (9) issue a bench warrant for an obligor who has failed after proper  
4 notice to appear at a hearing ordered by the tribunal and enter the  
5 bench warrant in any local and State computer systems for criminal  
6 warrants;
- 7 (10) order the obligor to seek appropriate employment by specified  
8 methods;
- 9 (11) award reasonable attorney's fees and other fees and costs; and  
10 (12) grant any other available remedy.
- 11 c. A responding tribunal of this State shall include in a support  
12 order issued under this act, or in the documents accompanying the  
13 order, the calculations on which the support order is based.
- 14 d. A responding tribunal of this State may not condition the  
15 payment of a support order issued under this act upon compliance by  
16 a party with provisions for visitation.
- 17 e. If a responding tribunal of this State issues an order under this  
18 act, the tribunal shall send a copy of the order to the petitioner and the  
19 respondent and to the initiating tribunal, if any, or may deliver a copy  
20 to the parties at the conclusion of a proceeding.
- 21
- 22 18. If a complaint, petition or comparable pleading is received by  
23 an inappropriate tribunal of this State, it shall forward the pleading and  
24 accompanying documents to an appropriate tribunal in this State or  
25 another state and notify the petitioner and the initiating tribunal, if any,  
26 where and when the pleading was sent.
- 27
- 28 19. a. A support enforcement agency of this State, upon request,  
29 shall provide services to a petitioner in a proceeding under this act.
- 30 b. A support enforcement agency that is providing services to the  
31 petitioner, as appropriate, shall:
- 32 (1) take all steps necessary to enable an appropriate tribunal in this  
33 State or another state to obtain jurisdiction over the respondent;
- 34 (2) request an appropriate tribunal to set a date, time, and place for  
35 a hearing;
- 36 (3) make a reasonable effort to obtain all relevant information,  
37 including information as to income and property of the parties;
- 38 (4) within two days, exclusive of Saturdays, Sundays, and legal  
39 holidays, after receipt of a written notice from an initiating,  
40 responding, or registering tribunal, send a copy of the notice to the  
41 petitioner;
- 42 (5) within two days, exclusive of Saturdays, Sundays, and legal  
43 holidays, after receipt of a written communication from the respondent  
44 or the respondent's attorney, send a copy of the communication to the  
45 petitioner; and
- 46 (6) notify the petitioner if jurisdiction over the respondent cannot

1 be obtained.

2 c. This act does not create or negate a relationship of attorney and  
3 client or other fiduciary relationship between a support enforcement  
4 agency or the attorney for the agency and the individual being assisted  
5 by the agency.

6

7 20. If the Attorney General determines that the support  
8 enforcement agency is neglecting or refusing to provide services to an  
9 individual, the Attorney General may order the agency to perform its  
10 duties under this act or may provide those services directly to the  
11 individual.

12

13 21. An individual may employ private counsel to represent the  
14 individual in proceedings authorized by this act. If the tribunal of this  
15 State is acting as a responding tribunal and the petitioner or initiating  
16 support enforcement agency has not employed private counsel in this  
17 State, the State IV-D agency shall provide legal representation in IV-D  
18 cases to the petitioner or the initiating support enforcement agency, if  
19 any, in all proceedings brought under this act. The State IV-D agency  
20 shall not assess fees or other costs on the petitioner or the initiating  
21 support enforcement agency, if any, for such representation.

22

23 22. a. The Administrative Office of the Courts is the State  
24 information agency under this act.

25 b. The State information agency shall:

26 (1) compile and maintain a current list, including addresses, of the  
27 tribunals in this State which have jurisdiction under this act and any  
28 support enforcement agencies in this State and transmit a copy to the  
29 state information agency of every other state;

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

32 (3) forward to the appropriate tribunal in the place in this State in  
33 which the individual obligee or the obligor resides, or in which the  
34 obligor's property is believed to be located, all documents concerning  
35 a proceeding under this act received from the initiating tribunal or the  
36 state information agency of the initiating state; and

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

45

46 23. a. A petitioner seeking to establish or modify a support order

1 or to determine parentage in a proceeding under this act shall verify  
2 the complaint, petition or comparable pleading. Unless otherwise  
3 ordered under section 24 of this act, the complaint, petition or  
4 comparable pleading or accompanying documents shall provide, so far  
5 as known, the name, residential address, and social security numbers  
6 of the obligor and the obligee, and the name, sex, residential address,  
7 social security number, and date of birth of each child for whom  
8 support is sought. The complaint, petition or comparable pleading  
9 shall be accompanied by a certified copy of any support order in effect.  
10 The complaint, petition or comparable pleading may include any other  
11 information that may assist in locating or identifying the respondent.

12 b. The complaint, petition or comparable pleading shall specify the  
13 relief sought. The complaint, petition or comparable pleading and  
14 accompanying documents shall conform substantially with the  
15 requirements imposed by the forms mandated by federal law for use in  
16 cases filed by a support enforcement agency.

17

18 24. Upon a finding, which may be made ex parte, that the health,  
19 safety, or liberty of a party or child would be unreasonably put at risk  
20 by the disclosure of identifying information, or if any existing order so  
21 provides, a tribunal shall order that the address of the child or party or  
22 other identifying information not be disclosed in a pleading or other  
23 document filed in a proceeding under this act.

24

25 25. a. The petitioner may not be required to pay a filing fee or  
26 other costs.

27 b. If an obligee prevails, a responding tribunal may assess against  
28 an obligor filing fees, reasonable attorney's fees, other costs, and  
29 necessary travel and other reasonable expenses incurred by the obligee  
30 and the obligee's witnesses. The tribunal may not assess fees, costs,  
31 or expenses against the obligee or the support enforcement agency of  
32 either the initiating or responding state, except as provided by other  
33 law. Attorney's fees may be taxed as costs, and may be ordered paid  
34 directly to the attorney, who may enforce the order in the attorney's  
35 own name. Payment of support owed to the obligee has priority over  
36 fees, costs and expenses.

37 c. The tribunal shall order the payment of costs and reasonable  
38 attorney's fees if it determines that a hearing was requested primarily  
39 for delay. In a proceeding under sections 33 through 46 of this act,  
40 a hearing is presumed to have been requested primarily for delay if a  
41 registered support order is confirmed or enforced without change.

42

43 26. a. Participation by a petitioner in a proceeding before a  
44 responding tribunal, whether in person, by private attorney, or through  
45 services provided by the support enforcement agency, does not confer  
46 personal jurisdiction over the petitioner in another proceeding.

1       b. A petitioner is not amenable to service of civil process while  
2 physically present in this State to participate in a proceeding under this  
3 act.

4       c. The immunity granted by this section does not extend to civil  
5 litigation based on acts unrelated to a proceeding under this act  
6 committed by a party while present in this State to participate in the  
7 proceeding.

8  
9       27. A party whose parentage of a child has been previously  
10 determined by or pursuant to law may not plead nonparentage as a  
11 defense to a proceeding under this act.

12  
13       28. a. The physical presence of the petitioner in a responding  
14 tribunal of this State is not required for the establishment,  
15 enforcement, or modification of a support order or the rendition of a  
16 judgment determining parentage.

17       b. A verified complaint, petition or comparable pleading, affidavit,  
18 document substantially complying with federally mandated forms, or  
19 a document incorporated by reference in any of them, not excluded  
20 under the hearsay rule if given in person, is admissible in evidence if  
21 given under oath by a party or witness residing in another state.

22       c. A copy of the record of child support payments certified as a  
23 true copy of the original by the custodian of the record may be  
24 forwarded to a responding tribunal. This copy is evidence of facts  
25 asserted in it, and is admissible to show whether payments were made.

26       d. Copies of bills for testing for parentage, and for prenatal and  
27 postnatal health care of the mother and child, furnished to the adverse  
28 party at least 10 days before the hearing, are admissible in evidence to  
29 prove the amount of the charges billed and that the charges were  
30 reasonable, necessary and customary.

31       e. Documentary evidence transmitted from another state to a  
32 tribunal of this State by telephone, telecopier, or other means that do  
33 not provide an original writing may not be excluded from evidence on  
34 an objection based on the means of transmission.

35       f. In a proceeding under this act, a tribunal of this State may permit  
36 a party or witness residing in another state to be deposed or to testify  
37 by telephone, audiovisual means, or other electronic means at a  
38 designated tribunal or other location in that state. A tribunal of this  
39 State shall cooperate with tribunals of other states in designating an  
40 appropriate location for the deposition or testimony.

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

44       h. A privilege against disclosure of communications between  
45 spouses does not apply in a proceeding under this act.

46       i. The defense of immunity based on the relationship of husband

1 and wife or parent and child does not apply in a proceeding under this  
2 act.

3  
4 29. A tribunal of this State may communicate with a tribunal of  
5 another state in writing, or by telephone or other means, to obtain  
6 information concerning the laws of that state, the legal effects of a  
7 judgment, decree, or order of that tribunal, and the status of a  
8 proceeding in the other state. A tribunal of this State may furnish  
9 similar information by similar means to a tribunal of another state.

10

11 30. A tribunal of this State may:

12 a. request a tribunal of another state to assist in obtaining  
13 discovery; and

14 b. upon request, compel a person over whom it has jurisdiction to  
15 respond to a discovery order issued by a tribunal of another state.

16

17 31. A support enforcement agency shall disburse promptly any  
18 amounts received pursuant to a support order, as directed by the  
19 order. The agency or tribunal shall furnish to a requesting party or  
20 tribunal of another state a certified statement by the custodian of the  
21 record of the amounts and dates of all payments received.

22

23

24

#### ARTICLE 4

25

#### ESTABLISHMENT OF SUPPORT ORDER

26

27 32. a. If a support order entitled to recognition under this act has  
28 not been issued, a responding tribunal of this State may issue a support  
29 order if:

30 (1) the individual seeking the order resides in another state; or

31 (2) the support enforcement agency seeking the order is located in  
32 another state.

33 b. The tribunal may issue a temporary child support order if:

34 (1) the respondent has signed a verified statement acknowledging  
35 parentage;

36 (2) the respondent has been determined by or pursuant to law to be  
37 the parent; or

38 (3) there is other clear and convincing evidence that the respondent  
39 is the child's parent.

40 c. Upon finding, after notice and opportunity to be heard, that an  
41 obligor owes a duty of support, the tribunal shall issue a support order  
42 directed to the obligor and may issue other orders pursuant to section  
43 17 of this act.





1 the state of the obligor's principal place of employment to establish the  
2 priorities for withholding and allocating income withheld for multiple  
3 child support obligees is complied with.

4  
5 36. An employer who complies with an income-withholding order  
6 issued in another state in accordance with this article is not subject to  
7 civil liability to an individual or agency with regard to the employer's  
8 withholding child support from the obligor's income.

9  
10 37. An employer who willfully fails to comply with an income-  
11 withholding order issued by another state and received for  
12 enforcement is subject to the same penalties that may be imposed for  
13 noncompliance with an order issued by a tribunal of this State.

14  
15 38. a. An obligor may contest the validity or enforcement of an  
16 income-withholding order issued in another state and received directly  
17 by an employer in this State in the same manner as if the order had  
18 been issued by a tribunal of this State. Section 44 of this act applies  
19 to the contest.

20 b. The obligor shall give notice of the contest to:

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

22 (2) each employer that has directly received an income-withholding  
23 obligation; and

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

27  
28 39. a. A party seeking to enforce a support order or an  
29 income-withholding order, or both, issued by a tribunal of another  
30 state may send the documents required for registering the order to a  
31 support enforcement agency of this State.

32 b. Upon receipt of the documents, the support enforcement  
33 agency, without initially seeking to register the order, shall consider  
34 and, if appropriate, use any administrative procedure authorized by the  
35 law of this State to enforce a support order or an income-withholding  
36 order, or both. If the obligor does not contest administrative  
37 enforcement, the order need not be registered. If the obligor contests  
38 the validity or administrative enforcement of the order, the support  
39 enforcement agency shall register the order pursuant to this act.

40  
41  
42 ARTICLE 6

43 ENFORCEMENT AND MODIFICATION OF SUPPORT  
44 ORDER AFTER REGISTRATION

45 PART A

46 REGISTRATION AND ENFORCEMENT OF SUPPORT ORDER

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

4  
5       41. a. A support order or income-withholding order of another  
6 state may be registered in this State by sending the following  
7 documents and information to the appropriate tribunal in this State:

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

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

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

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

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

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

19       (c) a description and the location of property of the obligor in this  
20 State not exempt from execution; and

21       (5) the name and address of the obligee and, if applicable, the  
22 agency or person to whom support payments are to be remitted.

23       b. On receipt of a request for registration, the registering tribunal  
24 shall cause the order to be filed as a foreign judgment, together with  
25 one copy of the documents and information, regardless of their form.

26       c. A complaint, petition or comparable pleading seeking a remedy  
27 that must be affirmatively sought under other laws of this State may  
28 be filed at the same time as the request for registration or later. The  
29 pleading must specify the grounds for the remedy sought.

30  
31       42. a. A support order or income-withholding order issued in  
32 another state is registered when the order is filed in the registering  
33 tribunal of this State.

34       b. A registered order issued in another state is enforceable in the  
35 same manner and is subject to the same procedures as an order issued  
36 by a tribunal of this State.

37       c. Except as otherwise provided in this article, a tribunal of this  
38 State shall recognize and enforce, but not modify, a registered order  
39 if the issuing tribunal had jurisdiction.

40  
41       43. a. The law of the issuing state governs the nature, extent,  
42 amount, and duration of current payments and other obligations of  
43 support and the payment of arrearages under the order.

44       b. In a proceeding for arrearages, the statute of limitation under the  
45 laws of this State or of the issuing state, whichever is longer, applies.



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

3 (2) the order was obtained by fraud;

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

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

7 (5) there is a defense under the law of this State to the remedy  
8 sought;

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

10 (7) the statute of limitation under section 43 of this act precludes  
11 enforcement of some or all of the arrearages.

12 b. If a party presents evidence establishing a full or partial defense  
13 under subsection a. of this section, a tribunal may stay enforcement of  
14 the registered order, continue the proceeding to permit production of  
15 additional relevant evidence, or issue other appropriate orders. An  
16 uncontested portion of the registered order may be enforced by all  
17 remedies available under the law of this State.

18 c. If the contesting party does not establish a defense under  
19 subsection a. of this section to the validity or enforcement of the  
20 order, the registering tribunal shall issue an order confirming the order.

21

22 47. Confirmation of a registered order, whether by operation of  
23 law or after notice and hearing, precludes further contest of the order  
24 with respect to any matter that could have been asserted at the time of  
25 registration.

26

27

28

#### PART C

29

#### REGISTRATION AND MODIFICATION OF CHILD SUPPORT ORDER

30

31

32 48. A party or support enforcement agency seeking to modify, or  
33 to modify and enforce, a child support order issued in another state  
34 shall register that order in this State in the same manner provided in  
35 sections 40 through 43 of this act if the order has not been registered.  
36 A complaint, petition or comparable pleading for modification may be  
37 filed at the same time as a request for registration, or later. The  
38 pleading must specify the grounds for modification.

39

40 49. A tribunal of this State may enforce a child support order of  
41 another state registered for purposes of modification, in the same  
42 manner as if the order had been issued by a tribunal of this State, but  
43 the registered order may be modified only if the requirements of  
44 section 50 of this act have been met.

45

46 50. a. After a child support order issued in another state has been

1 registered in this State, the registering tribunal of this State may  
2 modify that order only if section 52 of this act does not apply and after  
3 notice and hearing it finds that:

4 (1) the following requirements are met:

5 (a) the child, the individual obligee, and the obligor do not reside  
6 in the issuing state;

7 (b) a petitioner who is a nonresident of this State seeks  
8 modification; and

9 (c) the respondent is subject to the personal jurisdiction of the  
10 tribunal of this State; or

11 (2) the child or a party who is an individual is subject to the  
12 personal jurisdiction of the tribunal of this State and all of the  
13 individual parties have filed written consents in the issuing tribunal for  
14 a tribunal of this State to modify the support order and assume  
15 continuing, exclusive jurisdiction over the order. However, if the  
16 issuing state is a foreign jurisdiction which has not enacted a law or  
17 established procedures essentially similar to the procedures under this  
18 act, the consent otherwise required of an individual party residing in  
19 this State is not required for the tribunal to assume jurisdiction to  
20 modify the child support order.

21 b. Modification of a registered child support order is subject to the  
22 same requirements, procedures, and defenses that apply to the  
23 modification of an order issued by a tribunal of this State and the order  
24 may be enforced and satisfied in the same manner.

25 c. A tribunal of this State may not modify any aspect of a child  
26 support order that may not be modified under the law of the issuing  
27 state. If two or more tribunals have issued child support orders for the  
28 same obligor and child, the order that controls and shall be recognized  
29 under the provisions of section 10 of this act establishes the  
30 unmodifiable aspects of the support order.

31 d. On issuance of an order modifying a child support order issued  
32 in another state, a tribunal of this State becomes the tribunal of  
33 continuing, exclusive jurisdiction.

34

35 51. A tribunal of this State shall recognize a modification of its  
36 earlier child support order by a tribunal of another state which  
37 assumed jurisdiction pursuant to this act or a law substantially similar  
38 to this act and, upon request, except as otherwise provided in this act,  
39 shall:

40 a. enforce the order that was modified only as to amounts accruing  
41 before the modification;

42 b. enforce only nonmodifiable aspects of that order;

43 c. provide other appropriate relief only for violations of that order  
44 which occurred before the effective date of the modification; and

45 d. recognize the modifying order of the other state, upon  
46 registration, for the purpose of enforcement.

1       52. a. If all of the individual parties reside in this State and the  
2 child does not reside in the issuing state, a tribunal of this State has  
3 jurisdiction to enforce and to modify the issuing state's child support  
4 order in a proceeding to register that order.

5       b. A tribunal of this State exercising jurisdiction as provided in this  
6 section shall apply the provisions of sections 1 through 12 of this act  
7 and this section to the enforcement or modification proceeding.  
8 Sections 13 through 39 and sections 54 through 56 of this act do not  
9 apply and the tribunal shall apply the procedural and substantive law  
10 of this State.

11  
12       53. Within 30 days after issuance of a modified child support order,  
13 the party obtaining the modification shall file a certified copy of the  
14 obligation with the issuing tribunal which had continuing, exclusive  
15 jurisdiction over the earlier order, and in each tribunal in which the  
16 party knows the earlier order has been registered. A party who  
17 obtains the order and fails to file a certified copy, is subject to  
18 appropriate sanctions by a tribunal in which the issue of failure to file  
19 arises. Failure does not affect the validity or enforceability of the  
20 modified order of the new tribunal of having continuing, exclusive  
21 jurisdiction.

22  
23  
24                                   ARTICLE 7

25                                   DETERMINATION OF PARENTAGE

26  
27       54. a. A tribunal of this State may serve as an initiating or  
28 responding tribunal in a proceeding brought under this act or a law or  
29 procedure substantially similar to this act, or under a law or procedure  
30 substantially similar to the "Uniform Reciprocal Enforcement of  
31 Support Act," or the "Revised Uniform Reciprocal Enforcement of  
32 Support Act" to determine that the petitioner is a parent of a particular  
33 child or to determine that a respondent is a parent of that child.

34       b. In a proceeding to determine parentage, a responding tribunal of  
35 this State shall apply the procedural and substantive law of this State,  
36 and the rules of this State on choice of law.

37  
38  
39                                   ARTICLE 8

40                                   INTERSTATE RENDITION

41  
42       55. a. For the purposes of this article, "governor" includes an  
43 individual performing the functions of governor or the executive  
44 authority of a state covered by this act.

45       b. The Governor of this State may:

46       (1) demand that the governor of another state surrender an

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

6 c. A provision for extradition of individuals not inconsistent with  
7 this act applies to the demand even if the individual whose surrender  
8 is demanded was not in the demanding state when the crime was  
9 allegedly committed and has not fled therefrom.

10

11 56. a. Before making demand that the governor of another state  
12 surrender an individual charged criminally in this State with having  
13 failed to provide for the support of an obligee, the Governor of this  
14 State may require a prosecutor of this State to demonstrate that at  
15 least 60 days previously the obligee had initiated proceedings for  
16 support pursuant to this act or that the proceeding would be of no  
17 avail.

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

30 c. If a proceeding for support has been initiated and the individual  
31 whose rendition is demanded prevails, the Governor may decline to  
32 honor the demand. If the petitioner prevails and the individual whose  
33 rendition is demanded is subject to a support order, the Governor may  
34 decline to honor the demand if the individual is complying with the  
35 support order.

36

37

38

ARTICLE 9

39

MISCELLANEOUS PROVISIONS

40

41 57. This act shall be applied and construed to effectuate its general  
42 purpose to make uniform the law with respect to the subject of this act  
43 among states enacting it.

44

45 58. This act may be cited as the "Uniform Interstate Family  
46 Support Act."



1 59. P.L.1981, c.243 (C.2A:4-30.24 et seq.) and sections 15 and 16  
2 of P.L.1985, c.278 (C.2A:17-56.18 and 2A:17-56.19) are repealed.

3  
4 60. The repeal of P.L.1981, c.243 (C.2A:4-30.24 et seq.) and  
5 sections 15 and 16 of P.L.1985, c.278 (C.2A:17-56.18 and 2A:17-  
6 56.19) does not affect pending actions, rights, duties or liabilities  
7 based on those repealed laws, nor does it alter, discharge, release or  
8 extinguish any penalty, forfeiture, or liability incurred under those  
9 laws. After the effective date of this act, all laws repealed shall be  
10 treated as remaining in full force and effect for the purpose of  
11 sustaining any pending actions or rights filed prior to the effective date  
12 of this act and the enforcement of any rights, duties, penalties,  
13 forfeitures, or liabilities under the repealed laws.

14  
15 61. This act shall take effect immediately.

16  
17  
18 STATEMENT

19  
20 The provisions of this bill reflect the recommendations proposed by  
21 the Uniform Interstate Family Support Act (UIFSA). This new law  
22 (UIFSA) was designed to completely revise the Revised Uniform  
23 Reciprocal Enforcement of Support Act of 1968 (RURESA) which  
24 was adopted in New Jersey as P.L.1981, c.243 (C.2A:4-30.24 et seq.).

25 The following is a summary of the provisions of UIFSA:

26 Article 1 provides:

- 27 • A definitional section which differs from RURESA primarily in  
28 the use of the term "tribunal" for "court" in recognition of the  
29 fact that many states have created administrative agencies to  
30 establish, enforce, and modify child support.  
31 • That the Superior Court, Chancery Division, Family Part is  
32 designated as the tribunal for the establishment, enforcement,  
33 or modification of support orders.  
34 • That the procedures for establishment, enforcement, or  
35 modification of support or a determination of parentage under  
36 this act do not preclude the application of general State law.

37 Article 2, Part A asserts what is commonly described as long-arm  
38 jurisdiction over a nonresident respondent for purposes of establishing  
39 a support order or determining parentage. Part A provides:

- 40 • The bases for long-arm jurisdiction over a nonresident.  
41 • That when long-arm jurisdiction is asserted, the provisions of  
42 UIFSA are not applicable, with two exceptions. The  
43 exceptions allow the tribunal to apply the special rules of  
44 evidence and the rules on discovery which are both set forth in  
45 Article 3.

46 Article 2, Part B tracks the traditional RURESA action involving

1 residents of separate states. In this situation, the initiating state does  
2 not assert personal jurisdiction over the nonresident, but instead  
3 forwards the case to another, responding state, which is to assert  
4 personal jurisdiction over its resident. Part B provides:

- 5 • For the identification of the roles a tribunal may serve, either  
6 as an initiating or a responding tribunal.
- 7 • A method for the one-order system to eliminate the multiple  
8 orders common under RURESA. UIFSA resolves conflicts  
9 between competing jurisdictional assertions by establishing a  
10 priority for the tribunal in the child's home state or if there is  
11 no home state, with "first filing."
- 12 • That the issuing tribunal retains continuing, exclusive  
13 jurisdiction over the support order except in very narrowly  
14 defined circumstances.
- 15 • That a state that enacts this law recognizes the continuing,  
16 exclusive jurisdiction of other tribunals over support orders  
17 and authorizes the initiation of requests for modification to the  
18 issuing state; that a tribunal having continuing, exclusive  
19 jurisdiction over a support order may act as a responding  
20 tribunal to enforce or modify the order; and that tribunals of  
21 the enacting states must adhere to the one-order-at-a-time  
22 system.

23 Article 2, Part C is designed to span the gulf between the  
24 one-order system of UIFSA and the multiple order system in place  
25 under RURESA. Part C provides:

- 26 • For a priority scheme for recognition and enforcement of  
27 existing multiple orders regarding the same obligor, obligee or  
28 obligees, and the same child.
- 29 • For a method to handle multiple orders involving two or more  
30 families of the same obligor by treating all the orders as if they  
31 had been issued by a tribunal of this State.
- 32 • That until the one-order system of UIFSA is in place, it is  
33 necessary to mandate credit for actual payments made against  
34 all existing orders.

35 Article 3 provides:

- 36 • A list of the types of actions authorized by UIFSA.
- 37 • That a minor parent may maintain an action under UIFSA  
38 without the appointment of a guardian ad litem, even if the law  
39 of the jurisdiction requires a guardian for an in-state case.
- 40 • That a tribunal will have the same powers in an action  
41 involving interstate parties as it has in an intrastate case, which  
42 will insure the efficient processing of interstate support cases.
- 43 • For the duties of the initiating tribunal which consist of  
44 forwarding the required documents.
- 45 • For the duties of the responding tribunal, including mechanical  
46 functions and judicial functions, and for substantive rules

- 1 applicable to interstate cases.
- 2 • That a tribunal that receives UIFSA documents in error,
  - 3 forward them to the appropriate tribunal.
  - 4 • For the duties of a support enforcement agency.
  - 5 • For the right of a party to retain private counsel in an action
  - 6 brought under UIFSA.
  - 7 • For the duties of the Administrative Office of the Courts as the
  - 8 State information agency.
  - 9 • For the basic requirements for the drafting and filing of
  - 10 interstate pleadings.
  - 11 • For confidentiality in the pleadings if there is a serious risk of
  - 12 domestic violence or child abduction.
  - 13 • For fees and costs to be assessed against the obligor.
  - 14 • That the petitioner is not subject to personal jurisdiction by this
  - 15 State in other litigation between the parties due to
  - 16 participation in a UIFSA proceeding; for an immunity from
  - 17 service of process during the time a party is physically present
  - 18 in a state for a UIFSA action; and for the withholding of
  - 19 immunity from civil litigation unrelated to the support action
  - 20 stemming from contemporaneous acts committed by a party
  - 21 while present in the State for the support litigation.
  - 22 • That a parentage decree rendered by another tribunal is not
  - 23 subject to collateral attack in a UIFSA proceeding except on a
  - 24 fundamental constitutional ground.
  - 25 • For special rules on evidence and procedure for interstate
  - 26 support cases including rules to eliminate many potential
  - 27 hearsay problems and rules to encourage tribunals and litigants
  - 28 to take advantage of modern methods of communication.
  - 29 • Authorization for the communication between courts in order
  - 30 to expedite establishment and enforcement of the support order
  - 31 of either this State or of the sister state.
  - 32 • For the facilitation of interstate cooperation in the discovery
  - 33 process.
  - 34 • For the prompt disbursement of any amounts received by a support
  - 35 enforcement agency pursuant to a support order.
- 36 Article 4 provides authorization for a tribunal of the responding
- 37 state to issue temporary and permanent support orders binding on an
- 38 obligor over whom the tribunal has personal jurisdiction, if no other
- 39 support order exists and no other tribunal has continuing, exclusive
- 40 jurisdiction over the matter.
- 41 Article 5 provides:
- 42 • For the direct recognition by the obligor's employer of a
  - 43 withholding order issued by another state.
  - 44 • Authorization for summary enforcement of a sister state
  - 45 support order through any administrative means available for
  - 46 local orders.

1 Article 6, Part A expands the procedure for the registration of  
2 foreign support orders available under RURESA. Part A provides:

- 3 • For the registration of the support order in the responding state  
4 as the first step to enforcement by a tribunal of that state.
- 5 • For an outline of the mechanics for registration of a sister state  
6 order.
- 7 • That the foreign support order is to be enforced and satisfied  
8 in the same manner as if it had been issued by a tribunal of the  
9 registering state; however, the order to be enforced remains an  
10 order of the issuing state and any request for relief that  
11 requires application of the continuing, exclusive jurisdiction of  
12 the issuing tribunal must be sought in the issuing forum.
- 13 • Situations in which local law is inapplicable.

14 Article 6, Part B provides procedures for the nonregistering party  
15 to contest registration of an order, either because the order is allegedly  
16 invalid, superseded, or no longer in effect, or because the enforcement  
17 remedy being sought is opposed by the nonregistering party. Part B  
18 specifically provides:

- 19 • That the nonregistering party must be fully informed of the  
20 effect of registration. After such notice is given, absent a  
21 successful contest by the nonregistering party, the order will be  
22 confirmed and future contest will be precluded.
- 23 • For the procedure to contest validity or enforcement of a  
24 registered order.
- 25 • That the burden of proving the enumerated defenses to  
26 registration of a support order is placed on the nonregistering  
27 party.
- 28 • For the confirmation of a support order which validates both  
29 the terms of the order and the asserted arrearages.

30 Article 6, Part C deals with situations in which it is necessary for a  
31 registering state to modify the existing child support order of another  
32 state. Part C provides:

- 33 • That a petitioner wishing to register a support order of another  
34 state for purposes of modification must conform to the general  
35 requirements for pleadings and the procedures for registration  
36 set forth in the bill.
- 37 • That an order registered for purposes of modification may be  
38 enforced in the same manner as an order registered for  
39 purposes of enforcement.
- 40 • That this State's tribunal may modify a foreign support order  
41 if specific factual preconditions are found.
- 42 • For the recognition by the original issuing state of a modified  
43 order by a tribunal of another state which assumed jurisdiction  
44 pursuant to law.

45 Article 7 provides for authorization of a "pure" parentage action in  
46 the interstate context.

1 Article 8 provides:

- 2 • For interstate rendition of an individual who is charged  
3 criminally with having failed to provide for the support of an  
4 obligee.  
5 • Conditions that a governor may implement before making the  
6 demand for an individual's surrender or before honoring this  
7 type of demand.

8 Article 9 provides:

- 9 • That this uniform act should be applied and construed to  
10 effectuate its general purpose.  
11 • For the title of the uniform act.  
12 • For the repeal of the RURESA, P.L.1981, c.243 (C.2A:4-30.24  
13 et seq.) and sections 15 and 16 of P.L.1985, c.278 (C.2A:17-  
14 56.18 and 2A:17-56.19) which are also applicable to interstate  
15 enforcement of support orders.

# ASSEMBLY JUDICIARY COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 1646**

with committee amendments

# STATE OF NEW JERSEY

DATED: FEBRUARY 10, 1998

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 1646.

The provisions of this bill reflect the recommendations proposed by the Uniform Interstate Family Support Act (UIFSA). This new law (UIFSA) was designed to completely revise the Revised Uniform Reciprocal Enforcement of Support Act of 1968 (RURESA) which was adopted in New Jersey as P.L.1981, c.243 (C.2A:4-30.24 et seq.).

The following is a summary of the provisions of UIFSA:

Article 1 provides:

- A definitional section which differs from RURESA primarily in the use of the term "tribunal" for "court" in recognition of the fact that many states have created administrative agencies to establish, enforce, and modify child support.
- That the Superior Court, Chancery Division, Family Part is designated as the tribunal for the establishment, enforcement, or modification of support orders.
- That the procedures for establishment, enforcement, or modification of support or a determination of parentage under this act do not preclude the application of general State law.

Article 2, Part A asserts what is commonly described as long-arm jurisdiction over a nonresident respondent for purposes of establishing a support order or determining parentage. Part A provides:

- The bases for long-arm jurisdiction over a nonresident.
- That when long-arm jurisdiction is asserted, the provisions of UIFSA are not applicable, with two exceptions. The exceptions allow the tribunal to apply the special rules of evidence and the rules on discovery which are both set forth in Article 3.

Article 2, Part B tracks the traditional RURESA action involving residents of separate states. In this situation, the initiating state does not assert personal jurisdiction over the nonresident, but instead forwards the case to another, responding state, which is to assert personal jurisdiction over its resident. Part B provides:

- For the identification of the roles a tribunal may serve, either as an initiating or a responding tribunal.

- A method for the one-order system to eliminate the multiple orders common under RURESA. UIFSA resolves conflicts between competing jurisdictional assertions by establishing a priority for the tribunal in the child's home state or if there is no home state, with "first filing."
- That the issuing tribunal retains continuing, exclusive jurisdiction over the support order except in very narrowly defined circumstances.
- That a state that enacts this law recognizes the continuing, exclusive jurisdiction of other tribunals over support orders and authorizes the initiation of requests for modification to the issuing state; that a tribunal having continuing, exclusive jurisdiction over a support order may act as a responding tribunal to enforce or modify the order; and that tribunals of the enacting states must adhere to the one-order-at-a-time system.

Article 2, Part C is designed to span the gulf between the one-order system of UIFSA and the multiple order system in place under RURESA. Part C provides:

- For a priority scheme for recognition and enforcement of existing multiple orders regarding the same obligor, obligee or obligees, and the same child.
- For a method to handle multiple orders involving two or more families of the same obligor by treating all the orders as if they had been issued by a tribunal of this State.
- That until the one-order system of UIFSA is in place, it is necessary to mandate credit for actual payments made against all existing orders.

Article 3 provides:

- A list of the types of actions authorized by UIFSA.
- That a minor parent may maintain an action under UIFSA without the appointment of a guardian ad litem, even if the law of the jurisdiction requires a guardian for an in-state case.
- That a tribunal will have the same powers in an action involving interstate parties as it has in an intrastate case, which will insure the efficient processing of interstate support cases.
- For the duties of the initiating tribunal which consist of forwarding the required documents.
- For the duties of the responding tribunal, including mechanical functions and judicial functions, and for substantive rules applicable to interstate cases.
- That a tribunal that receives UIFSA documents in error, forward them to the appropriate tribunal.
- For the duties of a support enforcement agency.
- For the right of a party to retain private counsel in an action brought under UIFSA.
- For the duties of the Administrative Office of the Courts as the State information agency.

- For the basic requirements for the drafting and filing of interstate pleadings.
- For confidentiality in the pleadings if there is a serious risk of domestic violence or child abduction.
- For fees and costs to be assessed against the obligor.
- That the petitioner is not subject to personal jurisdiction by this State in other litigation between the parties due to participation in a UIFSA proceeding; for an immunity from service of process during the time a party is physically present in a state for a UIFSA action; and for the withholding of immunity from civil litigation unrelated to the support action stemming from contemporaneous acts committed by a party while present in the State for the support litigation.
- That a parentage decree rendered by another tribunal is not subject to collateral attack in a UIFSA proceeding except on a fundamental constitutional ground.
- For special rules on evidence and procedure for interstate support cases including rules to eliminate many potential hearsay problems and rules to encourage tribunals and litigants to take advantage of modern methods of communication.
- Authorization for the communication between courts in order to expedite establishment and enforcement of the support order of either this State or of the sister state.
- For the facilitation of interstate cooperation in the discovery process.
- For the prompt disbursement of any amounts received by a support enforcement agency pursuant to a support order.

Article 4 provides authorization for a tribunal of the responding state to issue temporary and permanent support orders binding on an obligor over whom the tribunal has personal jurisdiction, if no other support order exists and no other tribunal has continuing, exclusive jurisdiction over the matter.

Article 5 provides:

- For the direct recognition by the obligor's employer of a withholding order issued by another state.
- Authorization for summary enforcement of a sister state support order through any administrative means available for local orders.

Article 6, Part A expands the procedure for the registration of foreign support orders available under RURESA. Part A provides:

- For the registration of the support order in the responding state as the first step to enforcement by a tribunal of that state.
- For an outline of the mechanics for registration of a sister state order.
- That the foreign support order is to be enforced and satisfied in the same manner as if it had been issued by a tribunal of the registering state; however, the order to be enforced remains an order of the issuing state and any request for relief that



requires application of the continuing, exclusive jurisdiction of the issuing tribunal must be sought in the issuing forum.

- Situations in which local law is inapplicable.

Article 6, Part B provides procedures for the nonregistering party to contest registration of an order, either because the order is allegedly invalid, superseded, or no longer in effect, or because the enforcement remedy being sought is opposed by the nonregistering party. Part B specifically provides:

- That the nonregistering party must be fully informed of the effect of registration. After such notice is given, absent a successful contest by the nonregistering party, the order will be confirmed and future contest will be precluded.
- For the procedure to contest validity or enforcement of a registered order.
- That the burden of proving the enumerated defenses to registration of a support order is placed on the nonregistering party.
- For the confirmation of a support order which validates both the terms of the order and the asserted arrearages.

Article 6, Part C deals with situations in which it is necessary for a registering state to modify the existing child support order of another state. Part C provides:

- That a petitioner wishing to register a support order of another state for purposes of modification must conform to the general requirements for pleadings and the procedures for registration set forth in the bill.
- That an order registered for purposes of modification may be enforced in the same manner as an order registered for purposes of enforcement.
- That this State's tribunal may modify a foreign support order if specific factual preconditions are found.
- For the recognition by the original issuing state of a modified order by a tribunal of another state which assumed jurisdiction pursuant to law.

Article 7 provides for authorization of a "pure" parentage action in the interstate context.

Article 8 provides:

- For interstate rendition of an individual who is charged criminally with having failed to provide for the support of an obligee.
- Conditions that a governor may implement before making the demand for an individual's surrender or before honoring this type of demand.

Article 9 provides:

- That this uniform act should be applied and construed to effectuate its general purpose.
- For the title of the uniform act.

For the repeal of the RURESA, P.L.1981, c.243 (C.2A:4-30.24 et

seq.) and sections 15 and 16 of P.L.1985, c.278 (C.2A:17-56.18 and 2A:17-56.19) which are also applicable to interstate enforcement of support orders.

The committee amended the bill in section 1 to conform the definition of "income" to the definition as provided in Assembly Bill No. 1645 (1R) released today by the committee. The amendment in section 10 of the bill clarifies that an obligor or obligee who currently resides in this State may request a determination of which child support obligations control when two or more obligations have been issued for the same obligor and child.

**SENATE, No. 461**

**STATE OF NEW JERSEY**  
**208th LEGISLATURE**

INTRODUCED FEBRUARY 10, 1998

**Sponsored by:**

**Senator WAYNE R. BRYANT**

**District 5 (Camden and Gloucester)**

**Senator WILLIAM L. GORMLEY**

**District 2 (Atlantic)**

**Co-Sponsored by:**

**Senators Zane, Girgenti and Robertson**

**SYNOPSIS**

"Uniform Interstate Family Support Act."

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 2/11/1998)**

1 AN ACT concerning support proceedings, supplementing Title 2A of  
2 the New Jersey Statutes and repealing P.L.1981, c.243 and sections  
3 15 and 16 of P.L.1985, c.278.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 ARTICLE 1  
9 GENERAL PROVISIONS

10  
11 1. As used in this act:

12 "Child" means a person, whether over or under the age of majority,  
13 who is or is alleged to be owed a duty of support by the person's  
14 parent or who is or is alleged to be the beneficiary of a support order  
15 directed to the parent.

16 "Child support order" means a support order for a child, including  
17 a child who has attained the age of majority under the law of the  
18 issuing state.

19 "Duty of support" means an obligation imposed or imposable by law  
20 to provide support for a child, spouse, or former spouse, including an  
21 unsatisfied obligation to provide support.

22 "Home state" means the state in which a child lived with a parent  
23 or a person acting as parent for at least six consecutive months  
24 immediately preceding the time of filing of a complaint or comparable  
25 pleading for support and, if a child is less than six months old, the state  
26 in which the child lived from birth with any of them. A period of  
27 temporary absence of any of them is counted as part of the six-month  
28 or other period.

29 "Income" includes earnings or other periodic entitlements to money  
30 from any source and any other property subject to withholding for  
31 support under the law of this State. For the purposes of establishing  
32 or modifying a child support order, income is defined by the New  
33 Jersey Support Guidelines (Rule 5:6A and Appendix IX of the Rules  
34 Governing the Courts of the State of New Jersey).

35 "Income-withholding order" means an order or other legal process  
36 directed to an obligor's employer as defined by the "New Jersey Child  
37 Support Improvement Act," P.L. , c. (C. )(Pending before the  
38 Legislature as Bill No. ) to withhold support from the income  
39 of the obligor.

40 "Initiating state" means a state from which a proceeding is  
41 forwarded or in which a proceeding is filed for forwarding to a  
42 responding state under this act or a law or procedure substantially  
43 similar to this act, or under a law or procedure substantially similar to  
44 the "Uniform Reciprocal Enforcement of Support Act," or the  
45 "Revised Uniform Reciprocal Enforcement of Support Act."

46 "Initiating tribunal" means the authorized tribunal in an initiating

1 state.

2 "Issuing state" means the state in which a tribunal issues a support  
3 order or renders a judgment determining parentage.

4 "Issuing tribunal" means the tribunal that issues a support order or  
5 renders a judgment determining parentage.

6 "Law" includes decisional and statutory law, and rules and  
7 regulations having the force of law.

8 "Obligee" means an individual to whom a duty of support is or is  
9 alleged to be owed or in whose favor a support order has been issued  
10 or a judgment determining parentage has been rendered; a state or  
11 political subdivision to which the rights under a duty of support or  
12 support order have been assigned or which has independent claims  
13 based on financial assistance provided to an individual obligee; or an  
14 individual seeking a judgment determining parentage of the individual's  
15 child or providing for the support of a child.

16 "Obligor" means an individual, or the estate of a decedent who  
17 owes or is alleged to owe a duty of support; who is alleged but has not  
18 been adjudicated to be a parent of a child; or who is liable under a  
19 support order.

20 "Register" means to record a support order or judgment  
21 determining parentage in the registering tribunal.

22 "Registering tribunal" means a tribunal in which a support order is  
23 registered.

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

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

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

34 "State" means a state of the United States, the District of Columbia,  
35 the Commonwealth of Puerto Rico, or any territory or insular  
36 possession subject to the jurisdiction of the United States. State  
37 includes:

38 a. an Indian tribe; and

39 b. a foreign jurisdiction that has enacted a law or established  
40 procedures for issuance and enforcement of support orders which are  
41 substantially similar to the procedures under this act or the procedures  
42 under the "Uniform Reciprocal Enforcement of Support Act," or the  
43 "Revised Uniform Reciprocal Enforcement of Support Act."

44 "State IV-D agency" means the Department of Human Services.

45 "Support enforcement agency" means a public official or agency  
46 authorized to seek: enforcement of support orders or laws relating to

1 the duty of support; establishment or modification of child support;  
2 determination of parentage; or to locate obligors or their assets. In  
3 this State, the Probation Division shall be the support enforcement  
4 agency.

5 "Support order" means a judgment, decree, or order, whether  
6 temporary, final, or subject to modification, for the benefit of a child,  
7 a spouse, or a former spouse, which provides for monetary support,  
8 health care coverage, arrearages, or reimbursement, and may include  
9 related costs and fees, interest, income withholding, attorney's fees,  
10 and other relief.

11 "Tribunal" means a court, administrative agency, or quasi-judicial  
12 entity authorized to establish, enforce, or modify support orders or to  
13 determine parentage.

14

15 2. The Superior Court, Chancery Division, Family Part is the  
16 tribunal of this State.

17

18 3. Remedies provided by this act are cumulative and do not affect  
19 the availability of remedies under other law.

20

21 ARTICLE 2  
22 JURISDICTION

23

24 PART A  
25 EXTENDED PERSONAL JURISDICTION

26

27 4. In a proceeding to establish, enforce, or modify a support order  
28 or to determine parentage, a tribunal of this State may exercise  
29 personal jurisdiction over a nonresident individual or the individual's  
30 guardian or conservator if:

31 a. the individual is personally served with a summons or notice  
32 within this State;

33 b. the individual submits to the jurisdiction of this State by consent,  
34 by entering a general appearance, or by filing a responsive document  
35 having the effect of waiving any contest to personal jurisdiction;

36 c. the individual resided with the child in this State;

37 d. the individual resided in this State and provided prenatal expense  
38 or support for the child;

39 e. the child resides in this State as a result of the acts or directives  
40 of the individual;

41 f. the individual engaged in sexual intercourse in this State and the  
42 child may have been conceived by that act of intercourse; or

43 g. there is any other basis consistent with the constitutions of this  
44 State and the United States for the exercise of personal jurisdiction.

45

46 5. A tribunal of this State exercising personal jurisdiction over a

1 nonresident under section 4 of this act may apply section 28 of this act  
2 to receive evidence from another state, and section 30 of this act to  
3 obtain discovery through a tribunal of another state. In all other  
4 respects, sections 13 through 53 of this act do not apply and the  
5 tribunal shall apply the procedural and substantive law of this State,  
6 including the rules on choice of law other than those established by  
7 this act.

8  
9 PART B

10 PROCEEDINGS INVOLVING TWO OR MORE STATES

11  
12 6. Under this act, a tribunal of this State may serve as an initiating  
13 tribunal to forward proceedings to another state and as a responding  
14 tribunal for proceedings initiated in another state.

15  
16 7. a. A tribunal of this State may exercise jurisdiction to establish  
17 a support order if the complaint, petition or comparable pleading is  
18 filed after a complaint or comparable pleading is filed in another state  
19 only if:

20 (1) the complaint, petition or comparable pleading in this State is  
21 filed before the expiration of the time allowed in the other state for  
22 filing a responsive pleading challenging the exercise of jurisdiction by  
23 the other state;

24 (2) the contesting party timely challenges the exercise of  
25 jurisdiction in the other state; and

26 (3) if relevant, this State is the home state of the child.

27 b. A tribunal of this State may not exercise jurisdiction to establish  
28 a support order if the complaint, petition or comparable pleading is  
29 filed before a petition or comparable pleading is filed in another state  
30 if:

31 (1) the complaint, petition or comparable pleading in the other  
32 state is filed before the expiration of the time allowed in this State for  
33 filing a responsive pleading challenging the exercise of jurisdiction by  
34 this State;

35 (2) the contesting party timely challenges the exercise of  
36 jurisdiction in this State; and

37 (3) if relevant, the other state is the home state of the child.

38  
39 8. a. A tribunal of this State issuing a support order consistent  
40 with the law of this State has continuing, exclusive jurisdiction over a  
41 child support order:

42 (1) as long as this State remains the residence of the obligor, the  
43 individual obligee, or the child for whose benefit the support order is  
44 issued; or

45 (2) until all of the parties who are individuals have filed written  
46 consents with the tribunal of this State for a tribunal of another state

1 to modify the order and assume continuing, exclusive jurisdiction.

2 b. A tribunal of this State issuing a child support order consistent  
3 with the law of this State may not exercise its continuing jurisdiction  
4 to modify the order if the order has been modified by a tribunal of  
5 another state pursuant to this act or a law substantially similar to this  
6 act.

7 c. If a child support order of this State is modified by a tribunal of  
8 another state pursuant to this act or a law substantially similar to this  
9 act, a tribunal of this State loses its continuing, exclusive jurisdiction  
10 with regard to prospective enforcement of the order issued in this  
11 State and may only:

12 (1) enforce the order that was modified as to amounts accruing  
13 before the modification;

14 (2) enforce nonmodifiable aspects of that order; and

15 (3) provide other appropriate relief for violations of that order  
16 which occurred before the effective date of the modification.

17 d. A tribunal of this State shall recognize the continuing, exclusive  
18 jurisdiction of a tribunal of another state which has issued a child  
19 support order pursuant to this act or a law substantially similar to this  
20 act.

21 e. A temporary support order issued ex parte or pending resolution  
22 of a jurisdictional conflict does not create continuing, exclusive  
23 jurisdiction in the issuing tribunal.

24 f. A tribunal of this State issuing a support order consistent with  
25 the law of this State has continuing, exclusive jurisdiction over a  
26 spousal support order throughout the existence of the support  
27 obligation. A tribunal of this State may not modify a spousal support,  
28 custody visitation, or non-child support provisions of an order issued  
29 by a tribunal of another state having continuing, exclusive jurisdiction  
30 over that order under the law of that state.

31

32 9. a. A tribunal of this State shall serve as an initiating tribunal to  
33 request a tribunal of another state to enforce or modify a support  
34 order issued in that state.

35 b. A tribunal of this State having continuing, exclusive jurisdiction  
36 over a support order may act as a responding tribunal to enforce or  
37 modify the order. If a party subject to the continuing, exclusive  
38 jurisdiction of the tribunal no longer resides in the issuing state, in  
39 subsequent proceedings the tribunal may apply section 28 of this act  
40 to receive evidence from another state and section 30 of this act to  
41 obtain discovery through a tribunal of another state.

42 c. A tribunal of this State which lacks continuing, exclusive  
43 jurisdiction over a spousal support order may not serve as a  
44 responding tribunal to modify a spousal support order of another state.



PART C

RECONCILIATION OF MULTIPLE OBLIGATIONS

10. a. If a proceeding is brought under this act, and only one tribunal has issued a child support order, the order of that tribunal controls and shall be so recognized.

b. If a proceeding is brought under this act, and two or more child support orders have been issued by tribunals of this State or another state with regard to the same obligor and child, a tribunal of this State shall apply the following rules in determining which order to recognize for purposes of continuing, exclusive jurisdiction:

(1) If only one of the tribunals would have continuing, exclusive jurisdiction under this act, the order of that tribunal controls and shall be so recognized.

(2) If more than one of the tribunals would have continuing, exclusive jurisdiction under this act, an order issued by a tribunal in the current home state of the child shall be recognized, but if an order has not been issued in the current home state of the child, the order most recently issued controls and shall be recognized.

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

c. If two or more child support obligations have been issued for the same obligor and child and if the obligor or the individual obligee resided in this State, a party may request a tribunal of this State to determine which order controls and shall be recognized under subsection b. of this section. The request shall 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 a determination.

d. The tribunal that issued the controlling order that shall be recognized as controlling under subsection a., b., or c. of this section is the tribunal that has continuing, exclusive jurisdiction.

e. A tribunal of this State which determines by order the identity of the controlling order under paragraphs (1) or (2) of subsection b. of this section or which issues a new controlling order under paragraph (3) of subsection b. of this section shall state in that order the basis upon which the tribunal made its determination.

f. Within 30 days after issuance of the order determining the identity of the controlling order, the party obtaining that order shall file a certified copy of it with each tribunal that issued or registered an earlier order of child support. A party who obtains the order and fails to file a certified copy, is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises, but that failure has no effect on the validity or enforceability of the controlling order.

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

7  
8 12. Amounts collected and credited for a particular period pursuant  
9 to a support order issued by a tribunal of another state must be  
10 credited against the amounts accruing or accrued for the same period  
11 under a support order issued by a tribunal of this State.

12  
13 ARTICLE 3

14 CIVIL PROVISIONS OF GENERAL APPLICATION

15  
16 13. a. Except as otherwise provided in this act, this article applies  
17 to all proceedings under this act.

18 b. This act provides for the following proceedings:

19 (1) establishment of an order for spousal support or child support  
20 pursuant to section 32 of this act;

21 (2) enforcement of a support order and income-withholding order  
22 of another state without registration pursuant to sections 33 through  
23 39 of this act;

24 (3) registration of an order for spousal support or child support of  
25 another state for enforcement pursuant to sections 40 through 53 of  
26 this act;

27 (4) modification of an order for child support or spousal support  
28 issued by a tribunal of this State pursuant to sections 6 through 9 of  
29 this act;

30 (5) registration of an order for child support of another state for  
31 modification pursuant to sections 40 through 53 of this act;

32 (6) determination of parentage pursuant to section 54 of this act;  
33 and

34 (7) assertion of jurisdiction over nonresidents pursuant to sections  
35 4 and 5 of this act.

36 c. An individual or a support enforcement agency may commence  
37 a proceeding authorized under this act by filing a complaint, petition  
38 or comparable pleading in an initiating tribunal for forwarding to a  
39 responding tribunal or by filing a complaint, petition or a comparable  
40 pleading directly in a tribunal of another state which has or can obtain  
41 personal jurisdiction over the respondent.

42  
43 14. A minor parent, or a guardian or other legal representative of  
44 a minor parent, may maintain a proceeding on behalf of or for the  
45 benefit of the minor's child.

1 15. Except as otherwise provided by this act, a responding tribunal  
2 of this State:

3 a. shall apply the procedural and substantive law, including the  
4 rules on choice of law, generally applicable to similar proceedings  
5 originating in this State and may exercise all powers and provide all  
6 remedies available in those proceedings; and

7 b. shall determine the duty of support and the amount payable in  
8 accordance with the law and support guidelines of this State.

9

10 16. a. Upon the filing of a complaint, petition or comparable  
11 pleading authorized by this act, an initiating tribunal or the support  
12 enforcement agency of this State shall forward three copies of the  
13 complaint, petition or comparable pleading and its accompanying  
14 documents:

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

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

21 b. If a responding state has not enacted this act or a law or  
22 procedure substantially similar to this act, a tribunal of this State may  
23 issue a certificate or other documents and make findings required by  
24 the law of the responding state. If the responding state is a foreign  
25 jurisdiction, the tribunal may specify the amount of support sought and  
26 provide other documents necessary to satisfy the requirements of the  
27 responding state.

28

29 17. a. When a responding tribunal of this State receives a  
30 complaint, petition or comparable pleading from an initiating tribunal  
31 or directly pursuant to subsection c. of section 13 of this act, it shall  
32 cause the complaint, petition or comparable pleading to be filed and  
33 notify the petitioner where and when it was filed.

34 b. A responding tribunal of this State, to the extent otherwise  
35 authorized by law, may do one or more of the following:

36 (1) issue or enforce a support order, modify a child support order,  
37 or render a judgment to determine parentage;

38 (2) order an obligor to comply with a support order, specifying the  
39 amount and the manner of compliance;

40 (3) order income withholding;

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

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

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

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

46 (8) order an obligor to keep the tribunal informed of the obligor's

- 1 current residential address, telephone number, employer, address of  
2 employment, and telephone number at the place of employment;
- 3 (9) issue a bench warrant for an obligor who has failed after proper  
4 notice to appear at a hearing ordered by the tribunal and enter the  
5 bench warrant in any local and State computer systems for criminal  
6 warrants;
- 7 (10) order the obligor to seek appropriate employment by specified  
8 methods;
- 9 (11) award reasonable attorney's fees and other fees and costs; and  
10 (12) grant any other available remedy.
- 11 c. A responding tribunal of this State shall include in a support  
12 order issued under this act, or in the documents accompanying the  
13 order, the calculations on which the support order is based.
- 14 d. A responding tribunal of this State may not condition the  
15 payment of a support order issued under this act upon compliance by  
16 a party with provisions for visitation.
- 17 e. If a responding tribunal of this State issues an order under this  
18 act, the tribunal shall send a copy of the order to the petitioner and the  
19 respondent and to the initiating tribunal, if any, or may deliver a copy  
20 to the parties at the conclusion of a proceeding.
- 21
- 22 18. If a complaint, petition or comparable pleading is received by  
23 an inappropriate tribunal of this State, it shall forward the pleading and  
24 accompanying documents to an appropriate tribunal in this State or  
25 another state and notify the petitioner and the initiating tribunal, if any,  
26 where and when the pleading was sent.
- 27
- 28 19. a. A support enforcement agency of this State, upon request,  
29 shall provide services to a petitioner in a proceeding under this act.
- 30 b. A support enforcement agency that is providing services to the  
31 petitioner, as appropriate, shall:
- 32 (1) take all steps necessary to enable an appropriate tribunal in this  
33 State or another state to obtain jurisdiction over the respondent;
- 34 (2) request an appropriate tribunal to set a date, time, and place for  
35 a hearing;
- 36 (3) make a reasonable effort to obtain all relevant information,  
37 including information as to income and property of the parties;
- 38 (4) within two days, exclusive of Saturdays, Sundays, and legal  
39 holidays, after receipt of a written notice from an initiating,  
40 responding, or registering tribunal, send a copy of the notice to the  
41 petitioner;
- 42 (5) within two days, exclusive of Saturdays, Sundays, and legal  
43 holidays, after receipt of a written communication from the respondent  
44 or the respondent's attorney, send a copy of the communication to the  
45 petitioner; and
- 46 (6) notify the petitioner if jurisdiction over the respondent cannot

1 be obtained.

2 c. This act does not create or negate a relationship of attorney and  
3 client or other fiduciary relationship between a support enforcement  
4 agency or the attorney for the agency and the individual being assisted  
5 by the agency.

6

7 20. If the Attorney General determines that the support  
8 enforcement agency is neglecting or refusing to provide services to an  
9 individual, the Attorney General may order the agency to perform its  
10 duties under this act or may provide those services directly to the  
11 individual.

12

13 21. An individual may employ private counsel to represent the  
14 individual in proceedings authorized by this act. If the tribunal of this  
15 State is acting as a responding tribunal and the petitioner or initiating  
16 support enforcement agency has not employed private counsel in this  
17 State, the State IV-D agency shall provide legal representation in IV-D  
18 cases to the petitioner or the initiating support enforcement agency, if  
19 any, in all proceedings brought under this act. The State IV-D agency  
20 shall not assess fees or other costs on the petitioner or the initiating  
21 support enforcement agency, if any, for such representation.

22

23 22. a. The Administrative Office of the Courts is the State  
24 information agency under this act.

25 b. The State information agency shall:

26 (1) compile and maintain a current list, including addresses, of the  
27 tribunals in this State which have jurisdiction under this act and any  
28 support enforcement agencies in this State and transmit a copy to the  
29 state information agency of every other state;

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

32 (3) forward to the appropriate tribunal in the place in this State in  
33 which the individual obligee or the obligor resides, or in which the  
34 obligor's property is believed to be located, all documents concerning  
35 a proceeding under this act received from the initiating tribunal or the  
36 state information agency of the initiating state; and

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

45

46 23. a. A petitioner seeking to establish or modify a support order

1 or to determine parentage in a proceeding under this act shall verify  
2 the complaint, petition or comparable pleading. Unless otherwise  
3 ordered under section 24 of this act, the complaint, petition or  
4 comparable pleading or accompanying documents shall provide, so far  
5 as known, the name, residential address, and social security numbers  
6 of the obligor and the obligee, and the name, sex, residential address,  
7 social security number, and date of birth of each child for whom  
8 support is sought. The complaint, petition or comparable pleading  
9 shall be accompanied by a certified copy of any support order in effect.  
10 The complaint, petition or comparable pleading may include any other  
11 information that may assist in locating or identifying the respondent.

12 b. The complaint, petition or comparable pleading shall specify the  
13 relief sought. The complaint, petition or comparable pleading and  
14 accompanying documents shall conform substantially with the  
15 requirements imposed by the forms mandated by federal law for use in  
16 cases filed by a support enforcement agency.

17

18 24. Upon a finding, which may be made ex parte, that the health,  
19 safety, or liberty of a party or child would be unreasonably put at risk  
20 by the disclosure of identifying information, or if any existing order so  
21 provides, a tribunal shall order that the address of the child or party or  
22 other identifying information not be disclosed in a pleading or other  
23 document filed in a proceeding under this act.

24

25 25. a. The petitioner may not be required to pay a filing fee or  
26 other costs.

27 b. If an obligee prevails, a responding tribunal may assess against  
28 an obligor filing fees, reasonable attorney's fees, other costs, and  
29 necessary travel and other reasonable expenses incurred by the obligee  
30 and the obligee's witnesses. The tribunal may not assess fees, costs,  
31 or expenses against the obligee or the support enforcement agency of  
32 either the initiating or responding state, except as provided by other  
33 law. Attorney's fees may be taxed as costs, and may be ordered paid  
34 directly to the attorney, who may enforce the order in the attorney's  
35 own name. Payment of support owed to the obligee has priority over  
36 fees, costs and expenses.

37 c. The tribunal shall order the payment of costs and reasonable  
38 attorney's fees if it determines that a hearing was requested primarily  
39 for delay. In a proceeding under sections 33 through 46 of this act,  
40 a hearing is presumed to have been requested primarily for delay if a  
41 registered support order is confirmed or enforced without change.

42

43 26. a. Participation by a petitioner in a proceeding before a  
44 responding tribunal, whether in person, by private attorney, or through  
45 services provided by the support enforcement agency, does not confer  
46 personal jurisdiction over the petitioner in another proceeding.

1       b. A petitioner is not amenable to service of civil process while  
2 physically present in this State to participate in a proceeding under this  
3 act.

4       c. The immunity granted by this section does not extend to civil  
5 litigation based on acts unrelated to a proceeding under this act  
6 committed by a party while present in this State to participate in the  
7 proceeding.

8  
9       27. A party whose parentage of a child has been previously  
10 determined by or pursuant to law may not plead nonparentage as a  
11 defense to a proceeding under this act.

12  
13       28. a. The physical presence of the petitioner in a responding  
14 tribunal of this State is not required for the establishment,  
15 enforcement, or modification of a support order or the rendition of a  
16 judgment determining parentage.

17       b. A verified complaint, petition or comparable pleading, affidavit,  
18 document substantially complying with federally mandated forms, or  
19 a document incorporated by reference in any of them, not excluded  
20 under the hearsay rule if given in person, is admissible in evidence if  
21 given under oath by a party or witness residing in another state.

22       c. A copy of the record of child support payments certified as a  
23 true copy of the original by the custodian of the record may be  
24 forwarded to a responding tribunal. This copy is evidence of facts  
25 asserted in it, and is admissible to show whether payments were made.

26       d. Copies of bills for testing for parentage, and for prenatal and  
27 postnatal health care of the mother and child, furnished to the adverse  
28 party at least 10 days before the hearing, are admissible in evidence to  
29 prove the amount of the charges billed and that the charges were  
30 reasonable, necessary and customary.

31       e. Documentary evidence transmitted from another state to a  
32 tribunal of this State by telephone, telecopier, or other means that do  
33 not provide an original writing may not be excluded from evidence on  
34 an objection based on the means of transmission.

35       f. In a proceeding under this act, a tribunal of this State may permit  
36 a party or witness residing in another state to be deposed or to testify  
37 by telephone, audiovisual means, or other electronic means at a  
38 designated tribunal or other location in that state. A tribunal of this  
39 State shall cooperate with tribunals of other states in designating an  
40 appropriate location for the deposition or testimony.

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

44       h. A privilege against disclosure of communications between  
45 spouses does not apply in a proceeding under this act.

46       i. The defense of immunity based on the relationship of husband

1 and wife or parent and child does not apply in a proceeding under this  
2 act.

3  
4 29. A tribunal of this State may communicate with a tribunal of  
5 another state in writing, or by telephone or other means, to obtain  
6 information concerning the laws of that state, the legal effects of a  
7 judgment, decree, or order of that tribunal, and the status of a  
8 proceeding in the other state. A tribunal of this State may furnish  
9 similar information by similar means to a tribunal of another state.

10

11 30. A tribunal of this State may:

12 a. request a tribunal of another state to assist in obtaining  
13 discovery; and

14 b. upon request, compel a person over whom it has jurisdiction to  
15 respond to a discovery order issued by a tribunal of another state.

16

17 31. A support enforcement agency shall disburse promptly any  
18 amounts received pursuant to a support order, as directed by the  
19 order. The agency or tribunal shall furnish to a requesting party or  
20 tribunal of another state a certified statement by the custodian of the  
21 record of the amounts and dates of all payments received.

22

#### 23 ARTICLE 4

#### 24 ESTABLISHMENT OF SUPPORT ORDER

25

26 32. a. If a support order entitled to recognition under this act has  
27 not been issued, a responding tribunal of this State may issue a support  
28 order if:

29 (1) the individual seeking the order resides in another state; or

30 (2) the support enforcement agency seeking the order is located in  
31 another state.

32 b. The tribunal may issue a temporary child support order if:

33 (1) the respondent has signed a verified statement acknowledging  
34 parentage;

35 (2) the respondent has been determined by or pursuant to law to be  
36 the parent; or

37 (3) there is other clear and convincing evidence that the respondent  
38 is the child's parent.

39 c. Upon finding, after notice and opportunity to be heard, that an  
40 obligor owes a duty of support, the tribunal shall issue a support order  
41 directed to the obligor and may issue other orders pursuant to section  
42 17 of this act.





1 the state of the obligor's principal place of employment to establish the  
2 priorities for withholding and allocating income withheld for multiple  
3 child support obligees is complied with.

4  
5 36. An employer who complies with an income-withholding order  
6 issued in another state in accordance with this article is not subject to  
7 civil liability to an individual or agency with regard to the employer's  
8 withholding child support from the obligor's income.

9  
10 37. An employer who willfully fails to comply with an income-  
11 withholding order issued by another state and received for  
12 enforcement is subject to the same penalties that may be imposed for  
13 noncompliance with an order issued by a tribunal of this State.

14  
15 38. a. An obligor may contest the validity or enforcement of an  
16 income-withholding order issued in another state and received directly  
17 by an employer in this State in the same manner as if the order had  
18 been issued by a tribunal of this State. Section 44 of this act applies  
19 to the contest.

20 b. The obligor shall give notice of the contest to:

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

22 (2) each employer that has directly received an income-withholding  
23 obligation; and

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

27  
28 39. a. A party seeking to enforce a support order or an  
29 income-withholding order, or both, issued by a tribunal of another  
30 state may send the documents required for registering the order to a  
31 support enforcement agency of this State.

32 b. Upon receipt of the documents, the support enforcement  
33 agency, without initially seeking to register the order, shall consider  
34 and, if appropriate, use any administrative procedure authorized by the  
35 law of this State to enforce a support order or an income-withholding  
36 order, or both. If the obligor does not contest administrative  
37 enforcement, the order need not be registered. If the obligor contests  
38 the validity or administrative enforcement of the order, the support  
39 enforcement agency shall register the order pursuant to this act.



1 43. a. The law of the issuing state governs the nature, extent,  
2 amount, and duration of current payments and other obligations of  
3 support and the payment of arrearages under the order.

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

6  
7 PART B

8 CONTEST OF VALIDITY OR ENFORCEMENT

9  
10 44. a. When a support order or income-withholding order issued  
11 in another state is registered, the registering tribunal shall notify the  
12 nonregistering party. The notice shall be accompanied by a copy of  
13 the registered order and the documents and relevant information  
14 accompanying the order.

15 b. The notice shall inform the nonregistering party:

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

19 (2) that a hearing to contest the validity or enforcement of the  
20 registered order shall be requested within 20 days after the date of  
21 mailing or personal service of the notice;

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

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

28 c. Upon registration of an income-withholding order for  
29 enforcement, the registering tribunal shall notify the support  
30 enforcement agency or the obligor's employer pursuant to the "New  
31 Jersey Child Support Program Improvement Act," P.L. , c.  
32 (C. )(Pending before the Legislature as Bill No. ), P.L.1981, c.417  
33 (C.2A:17-56.7 et al.) and P.L.1985, c.278 (C.2A:17-56.16 et seq.).  
34

35 45. a. A nonregistering party seeking to contest the validity or  
36 enforcement of a registered order in this State shall request a hearing  
37 within 20 days after the date of mailing or personal service of notice  
38 of the registration. The nonregistering party may seek to vacate the  
39 registration, to assert any defense to an allegation of noncompliance  
40 with the registered order, or to contest the remedies being sought or  
41 the amount of any alleged arrearages pursuant to section 46 of this act.

42 b. If the nonregistering party fails to contest the validity or  
43 enforcement of the registered order in a timely manner, the order is  
44 confirmed by operation of law.

45 c. If a nonregistering party requests a hearing to contest the  
46 validity or enforcement of the registered order, the registering tribunal

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

3

4 46. a. A party contesting the validity or enforcement of a  
5 registered order or seeking to vacate the registration has the burden  
6 of proving one or more of the following defenses:

7 (1) the issuing tribunal lacked personal jurisdiction over the  
8 contesting party;

9 (2) the order was obtained by fraud;

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

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

13 (5) there is a defense under the law of this State to the remedy  
14 sought;

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

16 (7) the statute of limitation under section 43 of this act precludes  
17 enforcement of some or all of the arrearages.

18 b. If a party presents evidence establishing a full or partial defense  
19 under subsection a. of this section, a tribunal may stay enforcement of  
20 the registered order, continue the proceeding to permit production of  
21 additional relevant evidence, or issue other appropriate orders. An  
22 uncontested portion of the registered order may be enforced by all  
23 remedies available under the law of this State.

24 c. If the contesting party does not establish a defense under  
25 subsection a. of this section to the validity or enforcement of the  
26 order, the registering tribunal shall issue an order confirming the order.  
27

28 47. Confirmation of a registered order, whether by operation of  
29 law or after notice and hearing, precludes further contest of the order  
30 with respect to any matter that could have been asserted at the time of  
31 registration.  
32

### 33 PART C

### 34 REGISTRATION AND MODIFICATION OF 35 CHILD SUPPORT ORDER 36

37 48. A party or support enforcement agency seeking to modify, or  
38 to modify and enforce, a child support order issued in another state  
39 shall register that order in this State in the same manner provided in  
40 sections 40 through 43 of this act if the order has not been registered.  
41 A complaint, petition or comparable pleading for modification may be  
42 filed at the same time as a request for registration, or later. The  
43 pleading must specify the grounds for modification.  
44

45 49. A tribunal of this State may enforce a child support order of  
46 another state registered for purposes of modification, in the same

1 manner as if the order had been issued by a tribunal of this State, but  
2 the registered order may be modified only if the requirements of  
3 section 50 of this act have been met.

4  
5 50. a. After a child support order issued in another state has been  
6 registered in this State, the registering tribunal of this State may  
7 modify that order only if section 52 of this act does not apply and after  
8 notice and hearing it finds that:

9 (1) the following requirements are met:

10 (a) the child, the individual obligee, and the obligor do not reside  
11 in the issuing state;

12 (b) a petitioner who is a nonresident of this State seeks  
13 modification; and

14 (c) the respondent is subject to the personal jurisdiction of the  
15 tribunal of this State; or

16 (2) the child or a party who is an individual is subject to the  
17 personal jurisdiction of the tribunal of this State and all of the  
18 individual parties have filed written consents in the issuing tribunal for  
19 a tribunal of this State to modify the support order and assume  
20 continuing, exclusive jurisdiction over the order. However, if the  
21 issuing state is a foreign jurisdiction which has not enacted a law or  
22 established procedures essentially similar to the procedures under this  
23 act, the consent otherwise required of an individual party residing in  
24 this State is not required for the tribunal to assume jurisdiction to  
25 modify the child support order.

26 b. Modification of a registered child support order is subject to the  
27 same requirements, procedures, and defenses that apply to the  
28 modification of an order issued by a tribunal of this State and the order  
29 may be enforced and satisfied in the same manner.

30 c. A tribunal of this State may not modify any aspect of a child  
31 support order that may not be modified under the law of the issuing  
32 state. If two or more tribunals have issued child support orders for the  
33 same obligor and child, the order that controls and shall be recognized  
34 under the provisions of section 10 of this act establishes the  
35 unmodifiable aspects of the support order.

36 d. On issuance of an order modifying a child support order issued  
37 in another state, a tribunal of this State becomes the tribunal of  
38 continuing, exclusive jurisdiction.

39  
40 51. A tribunal of this State shall recognize a modification of its  
41 earlier child support order by a tribunal of another state which  
42 assumed jurisdiction pursuant to this act or a law substantially similar  
43 to this act and, upon request, except as otherwise provided in this act,  
44 shall:

45 a. enforce the order that was modified only as to amounts accruing  
46 before the modification;

- 1       b. enforce only nonmodifiable aspects of that order;  
2       c. provide other appropriate relief only for violations of that order  
3 which occurred before the effective date of the modification; and  
4       d. recognize the modifying order of the other state, upon  
5 registration, for the purpose of enforcement.

6  
7       52. a. If all of the individual parties reside in this State and the  
8 child does not reside in the issuing state, a tribunal of this State has  
9 jurisdiction to enforce and to modify the issuing state's child support  
10 order in a proceeding to register that order.

11       b. A tribunal of this State exercising jurisdiction as provided in this  
12 section shall apply the provisions of sections 1 through 12 of this act  
13 and this section to the enforcement or modification proceeding.  
14 Sections 13 through 39 and sections 54 through 56 of this act do not  
15 apply and the tribunal shall apply the procedural and substantive law  
16 of this State.

17  
18       53. Within 30 days after issuance of a modified child support order,  
19 the party obtaining the modification shall file a certified copy of the  
20 obligation with the issuing tribunal which had continuing, exclusive  
21 jurisdiction over the earlier order, and in each tribunal in which the  
22 party knows the earlier order has been registered. A party who  
23 obtains the order and fails to file a certified copy, is subject to  
24 appropriate sanctions by a tribunal in which the issue of failure to file  
25 arises. Failure does not affect the validity or enforceability of the  
26 modified order of the new tribunal of having continuing, exclusive  
27 jurisdiction.

28

29

#### ARTICLE 7

30

#### DETERMINATION OF PARENTAGE

31

32       54. a. A tribunal of this State may serve as an initiating or  
33 responding tribunal in a proceeding brought under this act or a law or  
34 procedure substantially similar to this act, or under a law or procedure  
35 substantially similar to the "Uniform Reciprocal Enforcement of  
36 Support Act," or the "Revised Uniform Reciprocal Enforcement of  
37 Support Act" to determine that the petitioner is a parent of a particular  
38 child or to determine that a respondent is a parent of that child.

39       b. In a proceeding to determine parentage, a responding tribunal of  
40 this State shall apply the procedural and substantive law of this State,  
41 and the rules of this State on choice of law.

42

43

#### ARTICLE 8

44

#### INTERSTATE RENDITION

45

46       55. a. For the purposes of this article, "governor" includes an

1 individual performing the functions of governor or the executive  
2 authority of a state covered by this act.

3 b. The Governor of this State may:

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

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

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

14

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

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

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

40

41

## ARTICLE 9

42

### MISCELLANEOUS PROVISIONS

43

44 57. This act shall be applied and construed to effectuate its general  
45 purpose to make uniform the law with respect to the subject of this act  
46 among states enacting it.



1 58. This act may be cited as the "Uniform Interstate Family  
2 Support Act."

3  
4 59. P.L.1981, c.243 (C.2A:4-30.24 et seq.) and sections 15 and  
5 16 of P.L.1985, c.278 (C.2A:17-56.18 and 2A:17-56.19) are repealed.

6  
7 60. The repeal of P.L.1981, c.243 (C.2A:4-30.24 et seq.) and  
8 sections 15 and 16 of P.L.1985, c.278 (C.2A:17-56.18 and 2A:17-  
9 56.19) does not affect pending actions, rights, duties or liabilities  
10 based on those repealed laws, nor does it alter, discharge, release or  
11 extinguish any penalty, forfeiture, or liability incurred under those  
12 laws. After the effective date of this act, all laws repealed shall be  
13 treated as remaining in full force and effect for the purpose of  
14 sustaining any pending actions or rights filed prior to the effective date  
15 of this act and the enforcement of any rights, duties, penalties,  
16 forfeitures, or liabilities under the repealed laws.

17  
18 61. This act shall take effect immediately.

19  
20  
21 STATEMENT

22  
23 The provisions of this bill reflect the recommendations proposed by  
24 the Uniform Interstate Family Support Act (UIFSA). This new law  
25 (UIFSA) was designed to completely revise the Revised Uniform  
26 Reciprocal Enforcement of Support Act of 1968 (RURESA) which  
27 was adopted in New Jersey as P.L.1981, c.243 (C.2A:4-30.24 et seq.).

28 The following is a summary of the provisions of UIFSA:

29 Article 1 provides:

- 30 • A definitional section which differs from RURESA primarily in  
31 the use of the term "tribunal" for "court" in recognition of the  
32 fact that many states have created administrative agencies to  
33 establish, enforce, and modify child support.  
34 • That the Superior Court, Chancery Division, Family Part is  
35 designated as the tribunal for the establishment, enforcement,  
36 or modification of support orders.  
37 • That the procedures for establishment, enforcement, or  
38 modification of support or a determination of parentage under  
39 this act do not preclude the application of general State law.

40 Article 2, Part A asserts what is commonly described as long-arm  
41 jurisdiction over a nonresident respondent for purposes of establishing  
42 a support order or determining parentage. Part A provides:

- 43 • The bases for long-arm jurisdiction over a nonresident.  
44 • That when long-arm jurisdiction is asserted, the provisions of  
45 UIFSA are not applicable, with two exceptions. The  
46 exceptions allow the tribunal to apply the special rules of

1 evidence and the rules on discovery which are both set forth in  
2 Article 3.

3 Article 2, Part B tracks the traditional RURESA action involving  
4 residents of separate states. In this situation, the initiating state does  
5 not assert personal jurisdiction over the nonresident, but instead  
6 forwards the case to another, responding state, which is to assert  
7 personal jurisdiction over its resident. Part B provides:

- 8 • For the identification of the roles a tribunal may serve, either  
9 as an initiating or a responding tribunal.
- 10 • A method for the one-order system to eliminate the multiple  
11 orders common under RURESA. UIFSA resolves conflicts  
12 between competing jurisdictional assertions by establishing a  
13 priority for the tribunal in the child's home state or if there is  
14 no home state, with "first filing."
- 15 • That the issuing tribunal retains continuing, exclusive  
16 jurisdiction over the support order except in very narrowly  
17 defined circumstances.
- 18 • That a state that enacts this law recognizes the continuing,  
19 exclusive jurisdiction of other tribunals over support orders  
20 and authorizes the initiation of requests for modification to the  
21 issuing state; that a tribunal having continuing, exclusive  
22 jurisdiction over a support order may act as a responding  
23 tribunal to enforce or modify the order; and that tribunals of  
24 the enacting states must adhere to the one-order-at-a-time  
25 system.

26 Article 2, Part C is designed to span the gulf between the  
27 one-order system of UIFSA and the multiple order system in place  
28 under RURESA. Part C provides:

- 29 • For a priority scheme for recognition and enforcement of  
30 existing multiple orders regarding the same obligor, obligee or  
31 obligees, and the same child.
- 32 • For a method to handle multiple orders involving two or more  
33 families of the same obligor by treating all the orders as if they  
34 had been issued by a tribunal of this State.
- 35 • That until the one-order system of UIFSA is in place, it is  
36 necessary to mandate credit for actual payments made against  
37 all existing orders.

38 Article 3 provides:

- 39 • A list of the types of actions authorized by UIFSA.
- 40 • That a minor parent may maintain an action under UIFSA  
41 without the appointment of a guardian ad litem, even if the law  
42 of the jurisdiction requires a guardian for an in-state case.
- 43 • That a tribunal will have the same powers in an action  
44 involving interstate parties as it has in an intrastate case, which  
45 will insure the efficient processing of interstate support cases.
- 46 • For the duties of the initiating tribunal which consist of

- 1 forwarding the required documents.
- 2 • For the duties of the responding tribunal, including mechanical
- 3 functions and judicial functions, and for substantive rules
- 4 applicable to interstate cases.
- 5 • That a tribunal that receives UIFSA documents in error,
- 6 forward them to the appropriate tribunal.
- 7 • For the duties of a support enforcement agency.
- 8 • For the right of a party to retain private counsel in an action
- 9 brought under UIFSA.
- 10 • For the duties of the Administrative Office of the Courts as the
- 11 State information agency.
- 12 • For the basic requirements for the drafting and filing of
- 13 interstate pleadings.
- 14 • For confidentiality in the pleadings if there is a serious risk of
- 15 domestic violence or child abduction.
- 16 • For fees and costs to be assessed against the obligor.
- 17 • That the petitioner is not subject to personal jurisdiction by this
- 18 State in other litigation between the parties due to
- 19 participation in a UIFSA proceeding; for an immunity from
- 20 service of process during the time a party is physically present
- 21 in a state for a UIFSA action; and for the withholding of
- 22 immunity from civil litigation unrelated to the support action
- 23 stemming from contemporaneous acts committed by a party
- 24 while present in the State for the support litigation.
- 25 • That a parentage decree rendered by another tribunal is not
- 26 subject to collateral attack in a UIFSA proceeding except on a
- 27 fundamental constitutional ground.
- 28 • For special rules on evidence and procedure for interstate
- 29 support cases including rules to eliminate many potential
- 30 hearsay problems and rules to encourage tribunals and litigants
- 31 to take advantage of modern methods of communication.
- 32 • Authorization for the communication between courts in order
- 33 to expedite establishment and enforcement of the support order
- 34 of either this State or of the sister state.
- 35 • For the facilitation of interstate cooperation in the discovery
- 36 process.
- 37 • For the prompt disbursement of any amounts received by a support
- 38 enforcement agency pursuant to a support order.
- 39 Article 4 provides authorization for a tribunal of the responding
- 40 state to issue temporary and permanent support orders binding on an
- 41 obligor over whom the tribunal has personal jurisdiction, if no other
- 42 support order exists and no other tribunal has continuing, exclusive
- 43 jurisdiction over the matter.
- 44 Article 5 provides:
- 45 • For the direct recognition by the obligor's employer of a
- 46 withholding order issued by another state.

- 1 • Authorization for summary enforcement of a sister state  
2 support order through any administrative means available for  
3 local orders.

4 Article 6, Part A expands the procedure for the registration of  
5 foreign support orders available under RURESA. Part A provides:

- 6 • For the registration of the support order in the responding state  
7 as the first step to enforcement by a tribunal of that state.  
8 • For an outline of the mechanics for registration of a sister state  
9 order.  
10 • That the foreign support order is to be enforced and satisfied  
11 in the same manner as if it had been issued by a tribunal of the  
12 registering state; however, the order to be enforced remains an  
13 order of the issuing state and any request for relief that  
14 requires application of the continuing, exclusive jurisdiction of  
15 the issuing tribunal must be sought in the issuing forum.  
16 • Situations in which local law is inapplicable.

17 Article 6, Part B provides procedures for the nonregistering party  
18 to contest registration of an order, either because the order is allegedly  
19 invalid, superseded, or no longer in effect, or because the enforcement  
20 remedy being sought is opposed by the nonregistering party. Part B  
21 specifically provides:

- 22 • That the nonregistering party must be fully informed of the  
23 effect of registration. After such notice is given, absent a  
24 successful contest by the nonregistering party, the order will be  
25 confirmed and future contest will be precluded.  
26 • For the procedure to contest validity or enforcement of a  
27 registered order.  
28 • That the burden of proving the enumerated defenses to  
29 registration of a support order is placed on the nonregistering  
30 party.  
31 • For the confirmation of a support order which validates both  
32 the terms of the order and the asserted arrearages.

33 Article 6, Part C deals with situations in which it is necessary for a  
34 registering state to modify the existing child support order of another  
35 state. Part C provides:

- 36 • That a petitioner wishing to register a support order of another  
37 state for purposes of modification must conform to the general  
38 requirements for pleadings and the procedures for registration  
39 set forth in the bill.  
40 • That an order registered for purposes of modification may be  
41 enforced in the same manner as an order registered for  
42 purposes of enforcement.  
43 • That this State's tribunal may modify a foreign support order  
44 if specific factual preconditions are found.  
45 • For the recognition by the original issuing state of a modified  
46 order by a tribunal of another state which assumed jurisdiction

1           pursuant to law.

2       Article 7 provides for authorization of a "pure" parentage action in  
3 the interstate context.

4       Article 8 provides:

- 5       • For interstate rendition of an individual who is charged  
6        criminally with having failed to provide for the support of an  
7        obligee.
- 8       • Conditions that a governor may implement before making the  
9        demand for an individual's surrender or before honoring this  
10       type of demand.

11       Article 9 provides:

- 12       • That this uniform act should be applied and construed to  
13        effectuate its general purpose.
- 14       • For the title of the uniform act.
- 15       • For the repeal of the RURESA, P.L.1981, c.243 (C.2A:4-30.24  
16        et seq.) and sections 15 and 16 of P.L.1985, c.278 (C.2A:17-  
17        56.18 and 2A:17-56.19) which are also applicable to interstate  
18        enforcement of support orders.

# SENATE JUDICIARY COMMITTEE

## STATEMENT TO

### **SENATE, No. 461**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: FEBRUARY 10, 1998

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 461.

The provisions of this bill are intended to implement the provisions of the federally mandated Uniform Interstate Family Support Act (UIFSA). This new law (UIFSA) was designed to completely revise the Revised Uniform Reciprocal Enforcement of Support Act of 1968 (RURESA) which was adopted in New Jersey as P.L.1981, c.243 (C.2A:4-30.24 et seq.).

The following is a summary of the provisions of UIFSA:

Article 1 provides:

- A definitional section which differs from RURESA primarily in the use of the term "tribunal" for "court" in recognition of the fact that many states have created administrative agencies to establish, enforce, and modify child support.
- That the Superior Court, Chancery Division, Family Part is designated as the tribunal for the establishment, enforcement, or modification of support orders.
- That the procedures for establishment, enforcement, or modification of support or a determination of parentage under this act do not preclude the application of general State law.

Article 2, Part A asserts what is commonly described as long-arm jurisdiction over a nonresident respondent for purposes of establishing a support order or determining parentage.

Part A provides:

- The bases for long-arm jurisdiction over a nonresident.
- That when long-arm jurisdiction is asserted, the provisions of UIFSA are not applicable, with two exceptions. The exceptions allow the tribunal to apply the special rules of evidence and the rules on discovery which are both set forth in Article 3.

Article 2, Part B tracks the traditional RURESA action involving residents of separate states. In this situation, the initiating state does not assert personal jurisdiction over the nonresident, but instead forwards the case to another, responding state, which is to assert

personal jurisdiction over its resident. Part B provides:

- For the identification of the roles a tribunal may serve, either as an initiating or a responding tribunal.
- A method for the one-order system to eliminate the multiple orders common under RURESA. UIFSA resolves conflicts between competing jurisdictional assertions by establishing a priority for the tribunal in the child's home state or if there is no home state, with "first filing."
- That the issuing tribunal retains continuing, exclusive jurisdiction over the support order except in very narrowly defined circumstances.
- That a state that enacts this law recognizes the continuing, exclusive jurisdiction of other tribunals over support orders and authorizes the initiation of requests for modification to the issuing state; that a tribunal having continuing, exclusive jurisdiction over a support order may act as a responding tribunal to enforce or modify the order; and that tribunals of the enacting states must adhere to the one-order-at-a-time system.

Article 2, Part C is designed to span the gulf between the one-order system of UIFSA and the multiple order system in place under RURESA. Part C provides:

- For a priority scheme for recognition and enforcement of existing multiple orders regarding the same obligor, obligee or obligees, and the same child.
- For a method to handle multiple orders involving two or more families of the same obligor by treating all the orders as if they had been issued by a tribunal of this State.
- That until the one-order system of UIFSA is in place, it is necessary to mandate credit for actual payments made against all existing orders.

Article 3 provides:

- A list of the types of actions authorized by UIFSA.
- That a minor parent may maintain an action under UIFSA without the appointment of a guardian ad litem, even if the law of the jurisdiction requires a guardian for an in-state case.
- That a tribunal will have the same powers in an action involving interstate parties as it has in an intrastate case, which will insure the efficient processing of interstate support cases.
- For the duties of the initiating tribunal which consist of forwarding the required documents.
- For the duties of the responding tribunal, including mechanical functions and judicial functions, and for substantive rules applicable to interstate cases.
- That a tribunal that receives UIFSA documents in error, forward them to the appropriate tribunal.
- For the duties of a support enforcement agency.
- For the right of a party to retain private counsel in an action

brought under UIFSA.

- For the duties of the Administrative Office of the Courts as the State information agency.
- For the basic requirements for the drafting and filing of interstate pleadings.
- For confidentiality in the pleadings if there is a serious risk of domestic violence or child abduction.
- For fees and costs to be assessed against the obligor.
- That the petitioner is not subject to personal jurisdiction by this State in other litigation between the parties due to participation in a UIFSA proceeding; for an immunity from service of process during the time a party is physically present in a state for a UIFSA action; and for the withholding of immunity from civil litigation unrelated to the support action stemming from contemporaneous acts committed by a party while present in the State for the support litigation.
- That a parentage decree rendered by another tribunal is not subject to collateral attack in a UIFSA proceeding except on a fundamental constitutional ground.
- For special rules on evidence and procedure for interstate support cases including rules to eliminate many potential hearsay problems and rules to encourage tribunals and litigants to take advantage of modern methods of communication.
- Authorization for the communication between courts in order to expedite establishment and enforcement of the support order of either this State or of the sister state.
- For the facilitation of interstate cooperation in the discovery process.
- For the prompt disbursement of any amounts received by a support enforcement agency pursuant to a support order.

Article 4 provides authorization for a tribunal of the responding state to issue temporary and permanent support orders binding on an obligor over whom the tribunal has personal jurisdiction, if no other support order exists and no other tribunal has continuing, exclusive jurisdiction over the matter.

Article 5 provides:

- For the direct recognition by the obligor's employer of a withholding order issued by another state.
- Authorization for summary enforcement of a sister state support order through any administrative means available for local orders.

Article 6, Part A expands the procedure for the registration of foreign support orders available under RURESA. Part A provides:

- For the registration of the support order in the responding state as the first step to enforcement by a tribunal of that state.
- For an outline of the mechanics for registration of a sister state



order.

- That the foreign support order is to be enforced and satisfied in the same manner as if it had been issued by a tribunal of the registering state; however, the order to be enforced remains an order of the issuing state and any request for relief that requires application of the continuing, exclusive jurisdiction of the issuing tribunal must be sought in the issuing forum.
- Situations in which local law is inapplicable.

Article 6, Part B provides procedures for the nonregistering party to contest registration of an order, either because the order is allegedly invalid, superseded, or no longer in effect, or because the enforcement remedy being sought is opposed by the nonregistering party. Part B specifically provides:

- That the nonregistering party must be fully informed of the effect of registration. After such notice is given, absent a successful contest by the nonregistering party, the order will be confirmed and future contest will be precluded.
- For the procedure to contest validity or enforcement of a registered order.
- That the burden of proving the enumerated defenses to registration of a support order is placed on the nonregistering party.
- For the confirmation of a support order which validates both the terms of the order and the asserted arrearages.

Article 6, Part C deals with situations in which it is necessary for a registering state to modify the existing child support order of another state. Part C provides:

- That a petitioner wishing to register a support order of another state for purposes of modification must conform to the general requirements for pleadings and the procedures for registration set forth in the bill.
- That an order registered for purposes of modification may be enforced in the same manner as an order registered for purposes of enforcement.
- That this State's tribunal may modify a foreign support order if specific factual preconditions are found.
- For the recognition by the original issuing state of a modified order by a tribunal of another state which assumed jurisdiction pursuant to law.

Article 7 provides for authorization of a "pure" parentage action in the interstate context.

Article 8 provides:

- For interstate rendition of an individual who is charged criminally with having failed to provide for the support of an obligee.
- Conditions that a governor may implement before making the

demand for an individual's surrender or before honoring this type of demand.

Article 9 provides:

- That this uniform act should be applied and construed to effectuate its general purpose.
- For the title of the uniform act.
- For the repeal of the RURESA, P.L.1981, c.243 (C.2A:4-30.24 et seq.) and sections 15 and 16 of P.L.1985, c.278 (C.2A:17-56.18 and 2A:17-56.19) which are also applicable to interstate enforcement of support orders.

The committee amended the bill in section 1 to conform the definition of "income" to the definition as provided in Senate Bill No. 460 (1R) also released by the committee on this date. The amendment in section 10 of the bill clarifies that an obligor or obligee who currently resides in this State may request a determination of which child support obligations control when two or more obligations have been issued for the same obligor and child.

***Office of the Governor***  
**NEWS RELEASE**

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**Governor Signs Bills Reigning in Child Support Evaders, Ensures Greater Financial Support for New Jersey Kids**

Gov. Christie Whitman today underscored the important role that parents must play in supporting their children - both financially and emotionally - when she signed two laws that help rein in child support evaders and provide for more strict enforcement of child support orders. The laws will work in conjunction with federal law to ensure uniform enforcement and collection of child support across state lines.

"The sad fact is that too many parents are walking away from the responsibility they have to financially support their children," said Gov. Whitman. "Today, more than \$1.4 billion in child support payments are outstanding. And in too many cases, the taxpayers end up doing what the parent should be doing."

"With this legislation, parents can run, but they can't hide. These laws make it easier to establish paternity, and they make it easier to track down child support evaders, even those who flee across state lines," said Gov. Whitman. "The new laws will help us collect more child support and collect it more quickly."

A-1646, sponsored by Assembly Members Mel Cottrell (R- Burlington/Monmouth/Ocean) and Rose Heck (R-Bergen) and Senators Wayne Bryant (D-Camden/ Gloucester) and William Gormley (R- Atlantic), implements New Jersey's piece of the Uniform Interstate Family Support Act.

The law is intended to promote more effective collection of child support involving interstate cases, which represent 30 percent of child support cases nationally. Under the bill, New Jersey will have "long arm" jurisdiction over child support evaders, even those living outside state lines.

The law empowers New Jersey, as the state that initiated the court order, to serve as the primary authority on the establishment, enforcement or modification of child support orders. Previous law provided for an interstate process that co-existed with non- interstate filings and resulted in confusion and ineffective enforcement of child support orders.

The new law sets forth guidelines for registration of child support orders in other states and enforcement of collections, including wage withholding orders. The state will now be able to work directly with employers to withhold wages of a

responsible parent in other states, instead of having to work through other state agencies.

The Governor also signed A-1645, sponsored by Assembly Members Mel Cottrell (R-Burlington/ Monmouth/Ocean) and Charlotte Vandervalk (R-Bergen) and Senators Wayne Bryant (D- Camden/Gloucester) and William Gormley (R-Atlantic), which strengthens the state's ability to collect child support.

The provisions of the bill include the following:

Allows child support staff to require genetic testing to establish paternity, without a court order

Creates a system that will enable child support officials to access information from financial institutions to freeze and seize assets of people who are behind in child support. Improves the use of technology and existing data bases to evaders. For example, child support staff will be able to check with cable companies to locate subscribers who are behind on child support payments.

Creates a New Jersey Hire Directory that requires employers to register new employees within 20 days of initial employment. Currently, the information is made available only after five months of the initial hire, often too late to collect child support because the evader has already moved on to a new job.

"These new laws will help to improve the day-to-day lives of New Jersey's children," said Human Services Commissioner William Waldman. "And, more effective child support collection may enable a family in need to shorten its stay on the welfare rolls or avoid turning to the welfare system for help at all."

In 1997, New Jersey distributed \$586 million in child support. The state oversees 484,000 child support cases, of which 205,000 cases are for welfare families. The state oversees cases where families have experienced difficulty in collecting child support. Past due child support for active, as well as inactive cases, is over \$1.4 billion.