

CHAPTER 275

**CHILDREN AND DOMESTIC MATTERS**

**SENATE BILL 93-193**

BY SENATORS Mutzebaugh, Feeley, Hopper, Mares, Meiklejohn, Peterson, and Wham;  
also REPRESENTATIVES Kaufman, DeGette, Fleming, Greenwood, Hagedorn, Lawrence, Lyle, Pierson, Rupert, Strom, Tanner, and Wright.

**AN ACT**

**CONCERNING THE INTERSTATE ENFORCEMENT OF SUPPORT, AND, IN CONNECTION THEREWITH, ENACTING THE "UNIFORM INTERSTATE FAMILY SUPPORT ACT".**

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** Article 5 of title 14, Colorado Revised Statutes, 1987 Repl. Vol., as amended, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

**ARTICLE 5  
Uniform Interstate Family Support Act**

**PART 1  
GENERAL PROVISIONS**

**14-5-101. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "CHILD" MEANS AN INDIVIDUAL, WHETHER OVER OR UNDER THE AGE OF MAJORITY, WHO IS OR IS ALLEGED TO BE OWED A DUTY OF SUPPORT BY THE INDIVIDUAL'S PARENT OR WHO IS OR IS ALLEGED TO BE THE BENEFICIARY OF A SUPPORT ORDER DIRECTED TO THE PARENT.

(2) "CHILD SUPPORT ORDER" MEANS A SUPPORT ORDER FOR A CHILD, INCLUDING A CHILD WHO HAS ATTAINED THE AGE OF MAJORITY UNDER THE LAW OF THE ISSUING STATE.

(3) "DUTY OF SUPPORT" MEANS AN OBLIGATION IMPOSED OR IMPOSABLE BY LAW

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

TO PROVIDE SUPPORT FOR A CHILD, SPOUSE, OR FORMER SPOUSE, INCLUDING AN UNSATISFIED OBLIGATION TO PROVIDE SUPPORT.

(4) "HOME STATE" MEANS THE STATE IN WHICH A CHILD LIVED WITH A PARENT OR A PERSON ACTING AS PARENT FOR AT LEAST SIX CONSECUTIVE MONTHS IMMEDIATELY PRECEDING THE TIME OF FILING OF A PETITION OR COMPARABLE PLEADING FOR SUPPORT AND, IF A CHILD IS LESS THAN SIX MONTHS OLD, THE STATE IN WHICH THE CHILD LIVED FROM BIRTH WITH ANY OF THEM. A PERIOD OF TEMPORARY ABSENCE OF ANY OF THEM IS COUNTED AS PART OF THE SIX-MONTH OR OTHER PERIOD.

(5) "INCOME" INCLUDES EARNINGS OR OTHER PERIODIC ENTITLEMENTS TO MONEY FROM ANY SOURCE AND ANY OTHER PROPERTY SUBJECT TO WITHHOLDING FOR SUPPORT UNDER THE LAW OF THIS STATE.

(6) "INCOME-WITHHOLDING ORDER" MEANS AN ORDER OR OTHER LEGAL PROCESS TO WITHHOLD SUPPORT FROM THE INCOME OF THE OBLIGOR DIRECTED TO AN OBLIGOR'S EMPLOYER, EMPLOYERS, OR SUCCESSOR EMPLOYERS OR OTHER PAYOR OF FUNDS AS DESCRIBED IN SECTION 14-14-107 RELATING TO WAGE ASSIGNMENTS AND IN SECTION 14-14-111 RELATING TO IMMEDIATE DEDUCTIONS FOR FAMILY SUPPORT OBLIGATIONS.

(7) "INITIATING STATE" MEANS A STATE IN WHICH A PROCEEDING UNDER THIS ARTICLE OR A LAW SUBSTANTIALLY SIMILAR TO THIS ARTICLE, THE "UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT", OR THE "REVISED UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT" IS FILED FOR FORWARDING TO A RESPONDING STATE.

(8) "INITIATING TRIBUNAL" MEANS THE AUTHORIZED TRIBUNAL IN AN INITIATING STATE.

(9) "ISSUING STATE" MEANS THE STATE IN WHICH A TRIBUNAL ISSUES A SUPPORT ORDER OR RENDERS A JUDGMENT DETERMINING PARENTAGE.

(10) "ISSUING TRIBUNAL" MEANS THE TRIBUNAL THAT ISSUES A SUPPORT ORDER OR RENDERS A JUDGMENT DETERMINING PARENTAGE.

(11) "LAW" INCLUDES DECISIONAL AND STATUTORY LAW AND RULES AND REGULATIONS HAVING THE FORCE OF LAW.

(12) "OBLIGEE" MEANS:

(i) AN INDIVIDUAL TO WHOM A DUTY OF SUPPORT IS OR IS ALLEGED TO BE OWED OR IN WHOSE FAVOR A SUPPORT ORDER HAS BEEN ISSUED OR A JUDGMENT DETERMINING PARENTAGE HAS BEEN RENDERED;

(ii) A STATE OR POLITICAL SUBDIVISION TO WHICH THE RIGHTS UNDER A DUTY OF SUPPORT OR SUPPORT ORDER HAVE BEEN ASSIGNED OR WHICH HAS INDEPENDENT CLAIMS BASED ON FINANCIAL ASSISTANCE PROVIDED TO AN INDIVIDUAL OBLIGEE; OR

(iii) AN INDIVIDUAL SEEKING A JUDGMENT DETERMINING PARENTAGE OF THE INDIVIDUAL'S CHILD.

(13) "OBLIGOR" MEANS AN INDIVIDUAL, OR THE ESTATE OF A DECEDENT:

(i) WHO OWES OR IS ALLEGED TO OWE A DUTY OF SUPPORT;

(ii) WHO IS ALLEGED BUT HAS NOT BEEN ADJUDICATED TO BE A PARENT OF A CHILD; OR

(iii) WHO IS LIABLE UNDER A SUPPORT ORDER.

(14) "REGISTER" MEANS TO FILE A SUPPORT ORDER OR JUDGMENT DETERMINING PARENTAGE IN THE APPROPRIATE LOCATION FOR THE FILING OF FOREIGN SUPPORT ORDERS.

(15) "REGISTERING TRIBUNAL" MEANS A TRIBUNAL IN WHICH A SUPPORT ORDER IS REGISTERED.

(16) "RESPONDING STATE" MEANS A STATE TO WHICH A PROCEEDING IS FORWARDED UNDER THIS ARTICLE OR A LAW SUBSTANTIALLY SIMILAR TO THIS ARTICLE, THE "UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT", OR THE "REVISED UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT".

(17) "RESPONDING TRIBUNAL" MEANS THE AUTHORIZED TRIBUNAL IN A RESPONDING STATE.

(18) "SPOUSAL-SUPPORT ORDER" MEANS A SUPPORT ORDER FOR A SPOUSE OR FORMER SPOUSE OF THE OBLIGOR.

(19) "STATE" MEANS A STATE OF THE UNITED STATES, THE DISTRICT OF COLUMBIA, THE COMMONWEALTH OF PUERTO RICO, OR ANY TERRITORY OR INSULAR POSSESSION SUBJECT TO THE JURISDICTION OF THE UNITED STATES. THE TERM "STATE" INCLUDES AN INDIAN TRIBE AND INCLUDES A FOREIGN JURISDICTION THAT HAS ESTABLISHED PROCEDURES FOR ISSUANCE AND ENFORCEMENT OF SUPPORT ORDERS WHICH ARE SUBSTANTIALLY SIMILAR TO THE PROCEDURES UNDER THIS ARTICLE.

(20) "SUPPORT ENFORCEMENT AGENCY" MEANS A PUBLIC OFFICIAL OR AGENCY AUTHORIZED TO SEEK:

(i) ENFORCEMENT OF SUPPORT ORDERS OR LAWS RELATING TO THE DUTY OF SUPPORT;

(ii) ESTABLISHMENT OR MODIFICATION OF CHILD SUPPORT;

(iii) DETERMINATION OF PARENTAGE; OR

(iv) TO LOCATE OBLIGORS OR THEIR ASSETS.

(21) "SUPPORT ORDER" MEANS A JUDGMENT, DECREE, OR ORDER, WHETHER TEMPORARY, FINAL, OR SUBJECT TO MODIFICATION, FOR THE BENEFIT OF A CHILD, A SPOUSE, OR A FORMER SPOUSE, WHICH PROVIDES FOR MONETARY SUPPORT, HEALTH CARE, ARREARAGES, OR REIMBURSEMENT, AND MAY INCLUDE RELATED COSTS AND

FEES, INTEREST, INCOME WITHHOLDING, ATTORNEY'S FEES, AND OTHER RELIEF.

(22) "TRIBUNAL" MEANS A COURT, ADMINISTRATIVE AGENCY, OR QUASI-JUDICIAL ENTITY AUTHORIZED TO ESTABLISH, ENFORCE, OR MODIFY SUPPORT ORDERS OR TO DETERMINE PARENTAGE.

**14-5-102. Tribunals of this state.** THE COURT AND THE ADMINISTRATIVE AGENCY ARE THE TRIBUNALS OF THIS STATE.

**14-5-103. Remedies cumulative.** REMEDIES PROVIDED BY THIS ARTICLE ARE CUMULATIVE AND DO NOT AFFECT THE AVAILABILITY OF REMEDIES UNDER OTHER LAW.

PART 2  
JURISDICTION  
PART A. EXTENDED PERSONAL JURISDICTION

**14-5-201. Bases for jurisdiction over nonresident.** IN A PROCEEDING TO ESTABLISH, ENFORCE, OR MODIFY A SUPPORT ORDER OR TO DETERMINE PARENTAGE, A TRIBUNAL OF THIS STATE MAY EXERCISE PERSONAL JURISDICTION OVER A NONRESIDENT INDIVIDUAL OR THE INDIVIDUAL'S GUARDIAN OR CONSERVATOR IF:

- (1) THE INDIVIDUAL IS PERSONALLY SERVED WITH A SUMMONS WITHIN THIS STATE;
- (2) THE INDIVIDUAL SUBMITS TO THE JURISDICTION OF THIS STATE BY CONSENT, BY ENTERING A GENERAL APPEARANCE, OR BY FILING A RESPONSIVE DOCUMENT HAVING THE EFFECT OF WAIVING ANY CONTEST TO PERSONAL JURISDICTION;
- (3) THE INDIVIDUAL RESIDED WITH THE CHILD IN THIS STATE;
- (4) THE INDIVIDUAL RESIDED IN THIS STATE AND PROVIDED PRENATAL EXPENSES OR SUPPORT FOR THE CHILD;
- (5) THE CHILD RESIDES IN THIS STATE AS A RESULT OF THE ACTS OR DIRECTIVES OF THE INDIVIDUAL;
- (6) THE INDIVIDUAL ENGAGED IN SEXUAL INTERCOURSE IN THIS STATE AND THE CHILD MAY HAVE BEEN CONCEIVED BY THAT ACT OF INTERCOURSE; OR
- (7) THERE IS ANY OTHER BASIS CONSISTENT WITH THE CONSTITUTIONS OF THIS STATE AND THE UNITED STATES FOR THE EXERCISE OF PERSONAL JURISDICTION.

**14-5-202. Procedure when exercising jurisdiction over nonresident.** A TRIBUNAL OF THIS STATE EXERCISING PERSONAL JURISDICTION OVER A NONRESIDENT UNDER SECTION 14-5-201 MAY APPLY SECTION 14-5-316 (SPECIAL RULES OF EVIDENCE AND PROCEDURE) TO RECEIVE EVIDENCE FROM ANOTHER STATE, AND SECTION 14-5-318 (ASSISTANCE WITH DISCOVERY) TO OBTAIN DISCOVERY THROUGH A TRIBUNAL OF ANOTHER STATE. IN ALL OTHER RESPECTS, PARTS 3 TO 7 OF THIS ARTICLE DO NOT APPLY AND THE TRIBUNAL SHALL APPLY THE PROCEDURAL AND SUBSTANTIVE LAW OF THIS STATE, INCLUDING THE RULES ON CHOICE OF LAW OTHER THAN THOSE ESTABLISHED BY THIS ARTICLE.

## PART B. PROCEEDINGS INVOLVING TWO OR MORE STATES

**14-5-203. Initiating and responding tribunal of this state.** UNDER THIS ARTICLE, A TRIBUNAL OF THIS STATE MAY SERVE AS AN INITIATING TRIBUNAL TO FORWARD PROCEEDINGS TO ANOTHER STATE AND AS A RESPONDING TRIBUNAL FOR PROCEEDINGS INITIATED IN ANOTHER STATE.

**14-5-204. Simultaneous proceedings in another state.** (a) A TRIBUNAL OF THIS STATE MAY EXERCISE JURISDICTION TO ESTABLISH A SUPPORT ORDER IF THE PETITION OR COMPARABLE PLEADING IS FILED AFTER A PETITION OR COMPARABLE PLEADING IS FILED IN ANOTHER STATE ONLY IF:

(1) THE PETITION OR COMPARABLE PLEADING IN THIS STATE IS FILED BEFORE THE EXPIRATION OF THE TIME ALLOWED IN THE OTHER STATE FOR FILING A RESPONSIVE PLEADING CHALLENGING THE EXERCISE OF JURISDICTION BY THE OTHER STATE;

(2) THE CONTESTING PARTY TIMELY CHALLENGES THE EXERCISE OF JURISDICTION IN THE OTHER STATE; AND

(3) IF RELEVANT, THIS STATE IS THE HOME STATE OF THE CHILD.

(b) A TRIBUNAL OF THIS STATE MAY NOT EXERCISE JURISDICTION TO ESTABLISH A SUPPORT ORDER IF THE PETITION OR COMPARABLE PLEADING IS FILED BEFORE A PETITION OR COMPARABLE PLEADING IS FILED IN ANOTHER STATE IF:

(1) THE PETITION OR COMPARABLE PLEADING IN THE OTHER STATE IS FILED BEFORE THE EXPIRATION OF THE TIME ALLOWED IN THIS STATE FOR FILING A RESPONSIVE PLEADING CHALLENGING THE EXERCISE OF JURISDICTION BY THIS STATE;

(2) THE CONTESTING PARTY TIMELY CHALLENGES THE EXERCISE OF JURISDICTION IN THIS STATE; AND

(3) IF RELEVANT, THE OTHER STATE IS THE HOME STATE OF THE CHILD.

**14-5-205. Continuing, exclusive jurisdiction.** (a) A TRIBUNAL OF THIS STATE ISSUING A SUPPORT ORDER CONSISTENT WITH THE LAW OF THIS STATE HAS CONTINUING, EXCLUSIVE JURISDICTION OVER A CHILD SUPPORT ORDER:

(1) AS LONG AS THIS STATE REMAINS THE RESIDENCE OF THE OBLIGOR, THE INDIVIDUAL OBLIGEE, OR THE CHILD FOR WHOSE BENEFIT THE SUPPORT ORDER IS ISSUED; OR

(2) UNTIL EACH INDIVIDUAL PARTY HAS FILED WRITTEN CONSENT WITH THE TRIBUNAL OF THIS STATE FOR A TRIBUNAL OF ANOTHER STATE TO MODIFY THE ORDER AND ASSUME CONTINUING, EXCLUSIVE JURISDICTION.

(b) A TRIBUNAL OF THIS STATE ISSUING A CHILD SUPPORT ORDER CONSISTENT WITH THE LAW OF THIS STATE MAY NOT EXERCISE ITS CONTINUING JURISDICTION TO MODIFY THE ORDER IF THE ORDER HAS BEEN MODIFIED BY A TRIBUNAL OF ANOTHER STATE PURSUANT TO A LAW SUBSTANTIALLY SIMILAR TO THIS ARTICLE.

(c) IF A CHILD SUPPORT ORDER OF THIS STATE IS MODIFIED BY A TRIBUNAL OF ANOTHER STATE PURSUANT TO A LAW SUBSTANTIALLY SIMILAR TO THIS ARTICLE, A TRIBUNAL OF THIS STATE LOSES ITS CONTINUING, EXCLUSIVE JURISDICTION WITH REGARD TO PROSPECTIVE ENFORCEMENT OF THE ORDER ISSUED IN THIS STATE, AND MAY ONLY:

(1) ENFORCE THE ORDER THAT WAS MODIFIED AS TO AMOUNTS ACCRUING BEFORE THE MODIFICATION;

(2) ENFORCE NONMODIFIABLE ASPECTS OF THAT ORDER; AND

(3) PROVIDE OTHER APPROPRIATE RELIEF FOR VIOLATIONS OF THAT ORDER WHICH OCCURRED BEFORE THE EFFECTIVE DATE OF THE MODIFICATION.

(d) A TRIBUNAL OF THIS STATE SHALL RECOGNIZE THE CONTINUING, EXCLUSIVE JURISDICTION OF A TRIBUNAL OF ANOTHER STATE WHICH HAS ISSUED A CHILD SUPPORT ORDER PURSUANT TO A LAW SUBSTANTIALLY SIMILAR TO THIS ARTICLE.

(e) A TEMPORARY SUPPORT ORDER ISSUED EX PARTE OR PENDING RESOLUTION OF A JURISDICTIONAL CONFLICT DOES NOT CREATE CONTINUING, EXCLUSIVE JURISDICTION IN THE ISSUING TRIBUNAL.

(f) A TRIBUNAL OF THIS STATE ISSUING A SUPPORT ORDER CONSISTENT WITH THE LAW OF THIS STATE HAS CONTINUING, EXCLUSIVE JURISDICTION OVER A SPOUSAL SUPPORT ORDER THROUGHOUT THE EXISTENCE OF THE SUPPORT OBLIGATION. A TRIBUNAL OF THIS STATE MAY NOT MODIFY A SPOUSAL SUPPORT ORDER ISSUED BY A TRIBUNAL OF ANOTHER STATE HAVING CONTINUING, EXCLUSIVE JURISDICTION OVER THAT ORDER UNDER THE LAW OF THAT STATE.

**14-5-206. Enforcement and modification of support order by tribunal having continuing jurisdiction.** (a) A TRIBUNAL OF THIS STATE MAY SERVE AS AN INITIATING TRIBUNAL TO REQUEST A TRIBUNAL OF ANOTHER STATE TO ENFORCE OR MODIFY A SUPPORT ORDER ISSUED IN THAT STATE.

(b) A TRIBUNAL OF THIS STATE HAVING CONTINUING, EXCLUSIVE JURISDICTION OVER A SUPPORT ORDER MAY ACT AS A RESPONDING TRIBUNAL TO ENFORCE OR MODIFY THE ORDER. IF A PARTY SUBJECT TO THE CONTINUING, EXCLUSIVE JURISDICTION OF THE TRIBUNAL NO LONGER RESIDES IN THE ISSUING STATE, IN SUBSEQUENT PROCEEDINGS THE TRIBUNAL MAY APPLY SECTION 14-5-316 (SPECIAL RULES OF EVIDENCE AND PROCEDURE) TO RECEIVE EVIDENCE FROM ANOTHER STATE AND SECTION 14-5-318 (ASSISTANCE WITH DISCOVERY) TO OBTAIN DISCOVERY THROUGH A TRIBUNAL OF ANOTHER STATE.

(c) A TRIBUNAL OF THIS STATE WHICH LACKS CONTINUING, EXCLUSIVE JURISDICTION OVER A SPOUSAL SUPPORT ORDER MAY NOT SERVE AS A RESPONDING TRIBUNAL TO MODIFY A SPOUSAL SUPPORT ORDER OF ANOTHER STATE.

#### PART C. RECONCILIATION WITH ORDERS OF OTHER STATES

**14-5-207. Recognition of child support orders.** (a) IF A PROCEEDING IS BROUGHT UNDER THIS ARTICLE, AND ONE OR MORE CHILD SUPPORT ORDERS HAVE

BEEN ISSUED IN THIS OR ANOTHER STATE WITH REGARD TO AN OBLIGOR AND A 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 TRIBUNAL HAS ISSUED A CHILD SUPPORT ORDER, THE ORDER OF THAT TRIBUNAL MUST BE RECOGNIZED.

(2) IF TWO OR MORE TRIBUNALS HAVE ISSUED CHILD SUPPORT ORDERS FOR THE SAME OBLIGOR AND CHILD, AND ONLY ONE OF THE TRIBUNALS WOULD HAVE CONTINUING, EXCLUSIVE JURISDICTION UNDER THIS ARTICLE, THE ORDER OF THAT TRIBUNAL MUST BE RECOGNIZED.

(3) IF TWO OR MORE TRIBUNALS HAVE ISSUED CHILD SUPPORT ORDERS FOR THE SAME OBLIGOR AND CHILD, AND MORE THAN ONE OF THE TRIBUNALS WOULD HAVE CONTINUING, EXCLUSIVE JURISDICTION UNDER THIS ARTICLE, AN ORDER ISSUED BY A TRIBUNAL IN THE CURRENT HOME STATE OF THE CHILD MUST BE RECOGNIZED, BUT IF AN ORDER HAS NOT BEEN ISSUED IN THE CURRENT HOME STATE OF THE CHILD, THE ORDER MOST RECENTLY ISSUED MUST BE RECOGNIZED.

(4) IF TWO OR MORE TRIBUNALS HAVE ISSUED CHILD SUPPORT ORDERS FOR THE SAME OBLIGOR AND CHILD, AND NONE OF THE TRIBUNALS WOULD HAVE CONTINUING, EXCLUSIVE JURISDICTION UNDER THIS ARTICLE, THE TRIBUNAL OF THIS STATE MAY ISSUE A CHILD SUPPORT ORDER, WHICH MUST BE RECOGNIZED.

(b) THE TRIBUNAL THAT HAS ISSUED AN ORDER RECOGNIZED UNDER SUBSECTION (a) OF THIS SECTION IS THE TRIBUNAL HAVING CONTINUING, EXCLUSIVE JURISDICTION.

**14-5-208. Multiple child support orders for two or more obligees.** IN RESPONDING TO MULTIPLE REGISTRATIONS OR PETITIONS FOR ENFORCEMENT OF TWO OR MORE CHILD SUPPORT ORDERS IN EFFECT AT THE SAME TIME WITH REGARD TO THE SAME OBLIGOR AND DIFFERENT INDIVIDUAL OBLIGEEES, AT LEAST ONE OF WHICH WAS ISSUED BY A TRIBUNAL OF ANOTHER STATE, A TRIBUNAL OF THIS STATE SHALL ENFORCE THOSE ORDERS IN THE SAME MANNER AS IF THE MULTIPLE ORDERS HAD BEEN ISSUED BY A TRIBUNAL OF THIS STATE.

**14-5-209. Credit for payments.** AMOUNTS COLLECTED AND CREDITED FOR A PARTICULAR PERIOD PURSUANT TO A SUPPORT ORDER ISSUED BY A TRIBUNAL OF ANOTHER STATE MUST BE CREDITED AGAINST THE AMOUNTS ACCRUING OR ACCRUED FOR THE SAME PERIOD UNDER A SUPPORT ORDER ISSUED BY THE TRIBUNAL OF THIS STATE.

### PART 3 CIVIL PROVISIONS OF GENERAL APPLICATION

**14-5-301. Proceedings under this article.** (a) EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, THIS PART 3 APPLIES TO ALL PROCEEDINGS UNDER THIS ARTICLE.

(b) THIS ARTICLE PROVIDES FOR THE FOLLOWING PROCEEDINGS:

(1) ESTABLISHMENT OF AN ORDER FOR SPOUSAL SUPPORT OR CHILD SUPPORT

PURSUANT TO PART 4 OF THIS ARTICLE;

(2) ENFORCEMENT OF A SUPPORT ORDER AND INCOME-WITHHOLDING ORDER OF ANOTHER STATE WITHOUT REGISTRATION PURSUANT TO PART 5 OF THIS ARTICLE;

(3) REGISTRATION OF AN ORDER FOR SPOUSAL SUPPORT OR CHILD SUPPORT OF ANOTHER STATE FOR ENFORCEMENT PURSUANT TO PART 6 OF THIS ARTICLE;

(4) MODIFICATION OF AN ORDER FOR CHILD SUPPORT OR SPOUSAL SUPPORT ISSUED BY A TRIBUNAL OF THIS STATE PURSUANT TO PART B OF PART 2 OF THIS ARTICLE;

(5) REGISTRATION OF AN ORDER FOR CHILD SUPPORT OF ANOTHER STATE FOR MODIFICATION PURSUANT TO PART 6 OF THIS ARTICLE;

(6) DETERMINATION OF PARENTAGE PURSUANT TO PART 7 OF THIS ARTICLE; AND

(7) ASSERTION OF JURISDICTION OVER NONRESIDENTS PURSUANT TO PART A OF PART 2 OF THIS ARTICLE.

(c) A PETITIONER OR A SUPPORT ENFORCEMENT AGENCY MAY COMMENCE A PROCEEDING AUTHORIZED UNDER THIS ARTICLE BY FILING A PETITION IN AN INITIATING TRIBUNAL FOR FORWARDING TO A RESPONDING TRIBUNAL OR BY FILING A PETITION OR A COMPARABLE PLEADING DIRECTLY IN A TRIBUNAL OF ANOTHER STATE WHICH HAS OR CAN OBTAIN PERSONAL JURISDICTION OVER THE RESPONDENT.

**14-5-302. Action by minor parent.** A MINOR PARENT, OR A GUARDIAN OR OTHER LEGAL REPRESENTATIVE OF A MINOR PARENT, MAY MAINTAIN A PROCEEDING ON BEHALF OF OR FOR THE BENEFIT OF THE MINOR'S CHILD.

**14-5-303. Application of law of this state.** EXCEPT AS OTHERWISE PROVIDED BY THIS ARTICLE, A RESPONDING TRIBUNAL OF THIS STATE:

(1) SHALL APPLY THE PROCEDURAL AND SUBSTANTIVE LAW, INCLUDING THE RULES ON CHOICE OF LAW, GENERALLY APPLICABLE TO SIMILAR PROCEEDINGS ORIGINATING IN THIS STATE AND MAY EXERCISE ALL POWERS AND PROVIDE ALL REMEDIES AVAILABLE IN THOSE PROCEEDINGS; AND

(2) SHALL DETERMINE THE DUTY OF SUPPORT AND THE AMOUNT PAYABLE IN ACCORDANCE WITH THE LAW AND SUPPORT GUIDELINES OF THIS STATE.

**14-5-304. Duties of initiating tribunal.** UPON THE FILING OF A PETITION AUTHORIZED BY THIS ARTICLE, AN INITIATING TRIBUNAL OF THIS STATE SHALL FORWARD THREE COPIES OF THE PETITION AND ITS ACCOMPANYING DOCUMENTS:

(1) TO THE RESPONDING TRIBUNAL OR APPROPRIATE SUPPORT ENFORCEMENT AGENCY IN THE RESPONDING STATE; OR

(2) IF THE IDENTITY OF THE RESPONDING TRIBUNAL IS UNKNOWN, TO THE STATE INFORMATION AGENCY OF THE RESPONDING STATE WITH A REQUEST THAT THEY BE FORWARDED TO THE APPROPRIATE TRIBUNAL AND THAT RECEIPT BE ACKNOWLEDGED.

**14-5-305. Duties and powers of responding tribunal.** (a) WHEN A RESPONDING TRIBUNAL OF THIS STATE RECEIVES A PETITION OR COMPARABLE PLEADING FROM AN INITIATING TRIBUNAL OR DIRECTLY PURSUANT TO SECTION 14-5-301 (c) (PROCEEDINGS UNDER THIS ARTICLE), IT SHALL CAUSE THE PETITION OR PLEADING TO BE FILED AND NOTIFY THE PETITIONER BY FIRST CLASS MAIL WHERE AND WHEN IT WAS FILED.

(b) A RESPONDING TRIBUNAL OF THIS STATE, TO THE EXTENT OTHERWISE AUTHORIZED BY LAW, MAY DO ONE OR MORE OF THE FOLLOWING:

(1) ISSUE OR ENFORCE A SUPPORT ORDER, MODIFY A CHILD SUPPORT ORDER, OR RENDER A JUDGMENT TO DETERMINE PARENTAGE;

(2) ORDER AN OBLIGOR TO COMPLY WITH A SUPPORT ORDER, SPECIFYING THE AMOUNT AND THE MANNER OF COMPLIANCE;

(3) ORDER INCOME WITHHOLDING;

(4) DETERMINE THE AMOUNT OF ANY ARREARAGES, AND SPECIFY A METHOD OF PAYMENT;

(5) ENFORCE ORDERS BY CIVIL OR CRIMINAL CONTEMPT, OR BOTH;

(6) SET ASIDE PROPERTY FOR SATISFACTION OF THE SUPPORT ORDER;

(7) PLACE LIENS AND ORDER EXECUTION ON THE OBLIGOR'S PROPERTY;

(8) ORDER AN OBLIGOR TO KEEP THE TRIBUNAL INFORMED OF THE OBLIGOR'S CURRENT RESIDENTIAL ADDRESS, TELEPHONE NUMBER, EMPLOYER, ADDRESS OF EMPLOYMENT, AND TELEPHONE NUMBER AT THE PLACE OF EMPLOYMENT;

(9) ISSUE A BENCH WARRANT FOR AN OBLIGOR WHO HAS FAILED AFTER PROPER NOTICE TO APPEAR AT A HEARING ORDERED BY THE TRIBUNAL AND ENTER THE BENCH WARRANT IN ANY LOCAL AND STATE COMPUTER SYSTEMS FOR CRIMINAL WARRANTS;

(10) ORDER THE OBLIGOR TO SEEK APPROPRIATE EMPLOYMENT BY SPECIFIED METHODS;

(11) AWARD REASONABLE ATTORNEY'S FEES AND OTHER FEES AND COSTS; AND

(12) GRANT ANY OTHER AVAILABLE REMEDY.

(c) A RESPONDING TRIBUNAL OF THIS STATE SHALL INCLUDE IN A SUPPORT ORDER ISSUED UNDER THIS ARTICLE, OR IN THE DOCUMENTS ACCOMPANYING THE ORDER, THE CALCULATIONS ON WHICH THE SUPPORT ORDER IS BASED.

(d) A RESPONDING TRIBUNAL OF THIS STATE MAY NOT CONDITION THE PAYMENT OF A SUPPORT ORDER ISSUED UNDER THIS ARTICLE UPON COMPLIANCE BY A PARTY WITH PROVISIONS FOR VISITATION.

(e) IF A RESPONDING TRIBUNAL OF THIS STATE ISSUES AN ORDER UNDER THIS

ARTICLE, THE TRIBUNAL SHALL SEND A COPY OF THE ORDER BY FIRST CLASS MAIL TO THE PETITIONER AND THE RESPONDENT AND TO THE INITIATING TRIBUNAL, IF ANY.

**14-5-306. Inappropriate tribunal.** IF A PETITION OR COMPARABLE PLEADING IS RECEIVED BY AN INAPPROPRIATE TRIBUNAL OF THIS STATE, IT SHALL FORWARD THE PLEADING AND ACCOMPANYING DOCUMENTS TO AN APPROPRIATE TRIBUNAL IN THIS STATE OR ANOTHER STATE AND NOTIFY THE PETITIONER BY FIRST CLASS MAIL WHERE AND WHEN THE PLEADING WAS SENT.

**14-5-307. Duties of support enforcement agency.** (a) A SUPPORT ENFORCEMENT AGENCY OF THIS STATE, UPON REQUEST, SHALL PROVIDE SERVICES TO A PETITIONER IN A PROCEEDING UNDER THIS ARTICLE.

(b) A SUPPORT ENFORCEMENT AGENCY THAT IS PROVIDING SERVICES TO THE PETITIONER AS APPROPRIATE SHALL:

(1) TAKE ALL STEPS NECESSARY TO ENABLE AN APPROPRIATE TRIBUNAL IN THIS STATE OR ANOTHER STATE TO OBTAIN JURISDICTION OVER THE RESPONDENT;

(2) REQUEST AN APPROPRIATE TRIBUNAL TO SET A DATE, TIME, AND PLACE FOR A HEARING;

(3) MAKE A REASONABLE EFFORT TO OBTAIN ALL RELEVANT INFORMATION, INCLUDING INFORMATION AS TO INCOME AND PROPERTY OF THE PARTIES;

(4) WITHIN TWO DAYS, EXCLUSIVE OF SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER RECEIPT OF A WRITTEN NOTICE FROM AN INITIATING, RESPONDING, OR REGISTERING TRIBUNAL, SEND A COPY OF THE NOTICE BY FIRST CLASS MAIL TO THE PETITIONER;

(5) WITHIN TWO DAYS, EXCLUSIVE OF SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER RECEIPT OF A WRITTEN COMMUNICATION FROM THE RESPONDENT OR THE RESPONDENT'S ATTORNEY, SEND A COPY OF THE COMMUNICATION BY FIRST CLASS MAIL TO THE PETITIONER; AND

(6) NOTIFY THE PETITIONER IF JURISDICTION OVER THE RESPONDENT CANNOT BE OBTAINED.

(c) THIS ARTICLE DOES NOT CREATE OR NEGATE A RELATIONSHIP OF ATTORNEY AND CLIENT OR OTHER FIDUCIARY RELATIONSHIP BETWEEN A SUPPORT ENFORCEMENT AGENCY OR THE ATTORNEY FOR THE AGENCY AND THE INDIVIDUAL BEING ASSISTED BY THE AGENCY.

**14-5-308. Duty of attorney general.** IF THE ATTORNEY GENERAL DETERMINES THAT THE SUPPORT ENFORCEMENT AGENCY IS NEGLECTING OR REFUSING TO PROVIDE SERVICES TO AN INDIVIDUAL, THE ATTORNEY GENERAL MAY ORDER THE AGENCY TO PERFORM ITS DUTIES UNDER THIS ARTICLE OR MAY PROVIDE THOSE SERVICES DIRECTLY TO THE INDIVIDUAL.

**14-5-309. Private counsel.** AN INDIVIDUAL MAY EMPLOY PRIVATE COUNSEL TO REPRESENT THE INDIVIDUAL IN PROCEEDINGS AUTHORIZED BY THIS ARTICLE.

**14-5-310. Duties of state information agency.** (a) THE STATE DEPARTMENT OF SOCIAL SERVICES IS THE STATE INFORMATION AGENCY UNDER THIS ARTICLE.

(b) THE STATE INFORMATION AGENCY SHALL:

(1) COMPILE AND MAINTAIN A CURRENT LIST, INCLUDING ADDRESSES, OF THE TRIBUNALS IN THIS STATE WHICH HAVE JURISDICTION UNDER THIS ARTICLE AND ANY SUPPORT ENFORCEMENT AGENCIES IN THIS STATE AND TRANSMIT A COPY TO THE STATE INFORMATION AGENCY OF EVERY OTHER STATE;

(2) MAINTAIN A REGISTER OF TRIBUNALS AND SUPPORT ENFORCEMENT AGENCIES RECEIVED FROM OTHER STATES;

(3) FORWARD TO THE APPROPRIATE TRIBUNAL IN THE PLACE IN THIS STATE IN WHICH THE INDIVIDUAL OBLIGEE OR THE OBLIGOR RESIDES, OR IN WHICH THE OBLIGOR'S PROPERTY IS BELIEVED TO BE LOCATED, ALL DOCUMENTS CONCERNING A PROCEEDING UNDER THIS ARTICLE RECEIVED FROM AN INITIATING TRIBUNAL OR THE STATE INFORMATION AGENCY OF THE INITIATING STATE; AND

(4) OBTAIN INFORMATION CONCERNING THE LOCATION OF THE OBLIGOR AND THE OBLIGOR'S PROPERTY WITHIN THIS STATE NOT EXEMPT FROM EXECUTION, BY SUCH MEANS AS POSTAL VERIFICATION AND FEDERAL OR STATE LOCATOR SERVICES, EXAMINATION OF TELEPHONE DIRECTORIES, REQUESTS FOR THE OBLIGOR'S ADDRESS FROM EMPLOYERS, AND EXAMINATION OF GOVERNMENTAL RECORDS, INCLUDING, TO THE EXTENT NOT PROHIBITED BY OTHER LAW, THOSE RELATING TO REAL PROPERTY, VITAL STATISTICS, LAW ENFORCEMENT, TAXATION, MOTOR VEHICLES, DRIVER'S LICENSES, AND SOCIAL SECURITY.

**14-5-311. Pleadings and accompanying documents.** (a) A PETITIONER SEEKING TO ESTABLISH OR MODIFY A SUPPORT ORDER OR TO DETERMINE PARENTAGE IN A PROCEEDING UNDER THIS ARTICLE MUST VERIFY THE PETITION. UNLESS OTHERWISE ORDERED UNDER SECTION 14-5-312 (NONDISCLOSURE OF INFORMATION IN EXCEPTIONAL CIRCUMSTANCES), THE PETITION OR ACCOMPANYING DOCUMENTS MUST PROVIDE, SO FAR AS KNOWN, THE NAMES, RESIDENTIAL ADDRESSES, AND SOCIAL SECURITY NUMBERS OF THE OBLIGOR AND THE OBLIGEE, AND THE NAME, SEX, RESIDENTIAL ADDRESS, SOCIAL SECURITY NUMBER, AND DATE OF BIRTH OF EACH CHILD FOR WHOM SUPPORT IS SOUGHT. THE PETITION MUST BE ACCOMPANIED BY A CERTIFIED COPY OF ANY SUPPORT ORDER IN EFFECT. THE PETITION MAY INCLUDE ANY OTHER INFORMATION THAT MAY ASSIST IN LOCATING OR IDENTIFYING THE RESPONDENT.

(b) THE PETITION MUST SPECIFY THE RELIEF SOUGHT. THE PETITION AND ACCOMPANYING DOCUMENTS MUST CONFORM SUBSTANTIALLY WITH THE REQUIREMENTS IMPOSED BY THE FORMS MANDATED BY FEDERAL LAW FOR USE IN CASES FILED BY A SUPPORT ENFORCEMENT AGENCY.

**14-5-312. Nondisclosure of information in exceptional circumstances.** UPON A FINDING, WHICH MAY BE MADE EX PARTE, THAT THE HEALTH, SAFETY, OR LIBERTY OF A PARTY OR CHILD WOULD BE UNREASONABLY PUT AT RISK BY THE DISCLOSURE OF IDENTIFYING INFORMATION, OR IF AN EXISTING ORDER SO PROVIDES, A TRIBUNAL SHALL ORDER THAT THE ADDRESS OF THE CHILD OR PARTY OR OTHER IDENTIFYING

INFORMATION NOT BE DISCLOSED IN A PLEADING OR OTHER DOCUMENT FILED IN A PROCEEDING UNDER THIS ARTICLE.

**14-5-313. Costs and fees.** (a) THE PETITIONER MAY NOT BE REQUIRED TO PAY A FILING FEE OR OTHER COSTS.

(b) IF AN OBLIGEE PREVAILS, A RESPONDING TRIBUNAL MAY ASSESS AGAINST AN OBLIGOR FILING FEES, REASONABLE ATTORNEY'S FEES, OTHER COSTS, AND NECESSARY TRAVEL AND OTHER REASONABLE EXPENSES INCURRED BY THE OBLIGEE AND THE OBLIGEE'S WITNESSES. THE TRIBUNAL MAY NOT ASSESS FEES, COSTS, OR EXPENSES AGAINST THE OBLIGEE OR THE SUPPORT ENFORCEMENT AGENCY OF EITHER THE INITIATING OR THE RESPONDING STATE, EXCEPT AS PROVIDED BY OTHER LAW. ATTORNEY'S FEES MAY BE TAXED AS COSTS, AND MAY BE ORDERED PAID DIRECTLY TO THE ATTORNEY, WHO MAY ENFORCE THE ORDER IN THE ATTORNEY'S OWN NAME. PAYMENT OF SUPPORT OWED TO THE OBLIGEE HAS PRIORITY OVER FEES, COSTS, AND EXPENSES.

(c) THE TRIBUNAL SHALL ORDER THE PAYMENT OF COSTS AND REASONABLE ATTORNEY'S FEES IF IT DETERMINES THAT A HEARING WAS REQUESTED PRIMARILY FOR DELAY. IN A PROCEEDING UNDER PART 6 OF THIS ARTICLE (ENFORCEMENT AND MODIFICATION OF SUPPORT ORDER AFTER REGISTRATION), A HEARING IS PRESUMED TO HAVE BEEN REQUESTED PRIMARILY FOR DELAY IF A REGISTERED SUPPORT ORDER IS CONFIRMED OR ENFORCED WITHOUT CHANGE.

**14-5-314. Limited immunity of petitioner.** (a) PARTICIPATION BY A PETITIONER IN A PROCEEDING BEFORE A RESPONDING TRIBUNAL, WHETHER IN PERSON, BY PRIVATE ATTORNEY, OR THROUGH SERVICES PROVIDED BY THE SUPPORT ENFORCEMENT AGENCY, DOES NOT CONFER PERSONAL JURISDICTION OVER THE PETITIONER IN ANOTHER PROCEEDING.

(b) A PETITIONER IS NOT AMENABLE TO SERVICE OF CIVIL PROCESS WHILE PHYSICALLY PRESENT IN THIS STATE TO PARTICIPATE IN A PROCEEDING UNDER THIS ARTICLE.

(c) THE IMMUNITY GRANTED BY THIS SECTION DOES NOT EXTEND TO CIVIL LITIGATION BASED ON ACTS UNRELATED TO A PROCEEDING UNDER THIS ARTICLE COMMITTED BY A PARTY WHILE PRESENT IN THIS STATE TO PARTICIPATE IN THE PROCEEDING.

**14-5-315. Nonparentage as defense.** A PARTY WHOSE PARENTAGE OF A CHILD HAS BEEN PREVIOUSLY DETERMINED BY OR PURSUANT TO LAW MAY NOT PLEAD NONPARENTAGE AS A DEFENSE TO A PROCEEDING UNDER THIS ARTICLE.

**14-5-316. Special rules of evidence and procedure.** (a) THE PHYSICAL PRESENCE OF THE PETITIONER IN A RESPONDING TRIBUNAL OF THIS STATE IS NOT REQUIRED FOR THE ESTABLISHMENT, ENFORCEMENT, OR MODIFICATION OF A SUPPORT ORDER OR THE RENDITION OF A JUDGMENT DETERMINING PARENTAGE.

(b) A VERIFIED PETITION, AFFIDAVIT, DOCUMENT SUBSTANTIALLY COMPLYING WITH FEDERALLY MANDATED FORMS, AND A DOCUMENT INCORPORATED BY REFERENCE IN ANY OF THEM, NOT EXCLUDED UNDER THE HEARSAY RULE IF GIVEN IN

PERSON, IS ADMISSIBLE IN EVIDENCE IF GIVEN UNDER OATH BY A PARTY OR WITNESS RESIDING IN ANOTHER STATE.

(c) A COPY OF THE RECORD OF CHILD SUPPORT PAYMENTS CERTIFIED AS A TRUE COPY OF THE ORIGINAL BY THE CUSTODIAN OF THE RECORD MAY BE FORWARDED TO A RESPONDING TRIBUNAL. THE COPY IS EVIDENCE OF FACTS ASSERTED IN IT, AND IS ADMISSIBLE TO SHOW WHETHER PAYMENTS WERE MADE.

(d) COPIES OF BILLS FOR TESTING FOR PARENTAGE, AND FOR PRENATAL AND POSTNATAL HEALTH CARE OF THE MOTHER AND CHILD, FURNISHED TO THE ADVERSE PARTY AT LEAST TEN DAYS BEFORE TRIAL, ARE ADMISSIBLE IN EVIDENCE TO PROVE THE AMOUNT OF THE CHARGES BILLED AND THAT THE CHARGES WERE REASONABLE, NECESSARY, AND CUSTOMARY.

(e) DOCUMENTARY EVIDENCE TRANSMITTED FROM ANOTHER STATE TO A TRIBUNAL OF THIS STATE BY TELEPHONE, TELECOPIER, OR OTHER MEANS THAT DO NOT PROVIDE AN ORIGINAL WRITING MAY NOT BE EXCLUDED FROM EVIDENCE ON AN OBJECTION BASED ON THE MEANS OF TRANSMISSION.

(f) IN A PROCEEDING UNDER THIS ARTICLE, A TRIBUNAL OF THIS STATE MAY PERMIT A PARTY OR WITNESS RESIDING IN ANOTHER STATE TO BE DEPOSED OR TO TESTIFY BY TELEPHONE, AUDIOVISUAL MEANS, OR OTHER ELECTRONIC MEANS AT A DESIGNATED TRIBUNAL OR OTHER LOCATION IN THAT STATE. A TRIBUNAL OF THIS STATE SHALL COOPERATE WITH TRIBUNALS OF OTHER STATES IN DESIGNATING AN APPROPRIATE LOCATION FOR THE DEPOSITION OR TESTIMONY.

(g) IF A PARTY CALLED TO TESTIFY AT A CIVIL HEARING REFUSES TO ANSWER ON THE GROUND THAT THE TESTIMONY MAY BE SELF-INCRIMINATING, THE TRIER OF FACT MAY DRAW AN ADVERSE INFERENCE FROM THE REFUSAL.

(h) A PRIVILEGE AGAINST DISCLOSURE OF COMMUNICATIONS BETWEEN SPOUSES DOES NOT APPLY IN A PROCEEDING UNDER THIS ARTICLE.

(i) THE DEFENSE OF IMMUNITY BASED ON THE RELATIONSHIP OF HUSBAND AND WIFE OR PARENT AND CHILD DOES NOT APPLY IN A PROCEEDING UNDER THIS ARTICLE.

**14-5-317. Communications between tribunals.** A TRIBUNAL OF THIS STATE MAY COMMUNICATE WITH A TRIBUNAL OF ANOTHER STATE IN WRITING, OR BY TELEPHONE OR OTHER MEANS, TO OBTAIN INFORMATION CONCERNING THE LAWS OF THAT STATE, THE LEGAL EFFECT OF A JUDGMENT, DECREE, OR ORDER OF THAT TRIBUNAL, AND THE STATUS OF A PROCEEDING IN THE OTHER STATE. A TRIBUNAL OF THIS STATE MAY FURNISH SIMILAR INFORMATION BY SIMILAR MEANS TO A TRIBUNAL OF ANOTHER STATE.

**14-5-318. Assistance with discovery.** A TRIBUNAL OF THIS STATE MAY:

(1) REQUEST A TRIBUNAL OF ANOTHER STATE TO ASSIST IN OBTAINING DISCOVERY;  
AND

(2) UPON REQUEST, COMPEL A PERSON OVER WHOM IT HAS JURISDICTION TO RESPOND TO A DISCOVERY ORDER ISSUED BY A TRIBUNAL OF ANOTHER STATE.

**14-5-319. Receipt and disbursement of payments.** A SUPPORT ENFORCEMENT AGENCY OR TRIBUNAL OF THIS STATE SHALL DISBURSE PROMPTLY ANY AMOUNTS RECEIVED PURSUANT TO A SUPPORT ORDER, AS DIRECTED BY THE ORDER. THE AGENCY OR TRIBUNAL SHALL FURNISH TO A REQUESTING PARTY OR TRIBUNAL OF ANOTHER STATE A CERTIFIED STATEMENT BY THE CUSTODIAN OF THE RECORD OF THE AMOUNTS AND DATES OF ALL PAYMENTS RECEIVED.

PART 4  
ESTABLISHMENT OF SUPPORT ORDER

**14-5-401. Petition to establish support order.** (a) IF A SUPPORT ORDER ENTITLED TO RECOGNITION UNDER THIS ARTICLE 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 14-5-305 (DUTIES AND POWERS OF RESPONDING TRIBUNAL).

PART 5  
DIRECT ENFORCEMENT OF ORDER OF  
ANOTHER STATE WITHOUT REGISTRATION

**14-5-501. Recognition of income-withholding order of another state.** (a) AN INCOME-WITHHOLDING ORDER ISSUED IN ANOTHER STATE MAY BE SENT BY FIRST CLASS MAIL TO THE PERSON OR ENTITY WHICH IS THE OBLIGOR'S EMPLOYER UNDER THE INCOME-WITHHOLDING LAW OF THIS STATE WITHOUT FIRST FILING A PETITION OR COMPARABLE PLEADING OR REGISTERING THE ORDER WITH A TRIBUNAL OF THIS STATE. UPON RECEIPT OF THE ORDER, THE EMPLOYER SHALL:

(1) 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;

(2) IMMEDIATELY PROVIDE A COPY OF THE ORDER TO THE OBLIGOR; AND

(3) DISTRIBUTE THE FUNDS AS DIRECTED IN THE WITHHOLDING ORDER.

(b) AN OBLIGOR MAY CONTEST THE VALIDITY OR ENFORCEMENT OF AN INCOME-WITHHOLDING ORDER ISSUED IN ANOTHER STATE IN THE SAME MANNER AS IF THE ORDER HAD BEEN ISSUED BY A TRIBUNAL OF THIS STATE. SECTION 14-5-604 (CHOICE OF LAW) APPLIES TO THE CONTEST. THE OBLIGOR SHALL GIVE NOTICE OF THE CONTEST TO ANY SUPPORT ENFORCEMENT AGENCY PROVIDING SERVICES TO THE OBLIGEE AND TO:

(1) THE PERSON OR AGENCY DESIGNATED TO RECEIVE PAYMENTS IN THE INCOME-WITHHOLDING ORDER; OR

(2) IF NO PERSON OR AGENCY IS DESIGNATED, THE OBLIGEE.

**14-5-502. Administrative enforcement of orders.** (a) A PARTY SEEKING TO ENFORCE A SUPPORT ORDER OR AN INCOME-WITHHOLDING ORDER, OR BOTH, ISSUED BY A TRIBUNAL OF ANOTHER STATE MAY SEND THE DOCUMENTS REQUIRED FOR REGISTERING THE ORDER TO A SUPPORT ENFORCEMENT AGENCY OF THIS STATE.

(b) UPON RECEIPT OF THE DOCUMENTS, THE SUPPORT ENFORCEMENT AGENCY, WITHOUT INITIALLY SEEKING TO REGISTER THE ORDER, SHALL CONSIDER AND, IF APPROPRIATE, USE ANY ADMINISTRATIVE PROCEDURE AUTHORIZED BY THE LAW OF THIS STATE TO ENFORCE A SUPPORT ORDER OR AN INCOME-WITHHOLDING ORDER, OR BOTH. IF THE OBLIGOR DOES NOT CONTEST ADMINISTRATIVE ENFORCEMENT, THE ORDER NEED NOT BE REGISTERED. IF THE OBLIGOR CONTESTS THE VALIDITY OR ADMINISTRATIVE ENFORCEMENT OF THE ORDER, THE SUPPORT ENFORCEMENT AGENCY SHALL REGISTER THE ORDER PURSUANT TO THIS ARTICLE.

## PART 6

### ENFORCEMENT AND MODIFICATION OF SUPPORT ORDER AFTER REGISTRATION

#### PART A. REGISTRATION AND ENFORCEMENT OF SUPPORT ORDER

**14-5-601. Registration of order for enforcement.** A SUPPORT ORDER OR AN INCOME-WITHHOLDING ORDER ISSUED BY A TRIBUNAL OF ANOTHER STATE MAY BE REGISTERED IN THIS STATE FOR ENFORCEMENT.

**14-5-602. Procedure to register order for enforcement.** (a) A SUPPORT ORDER OR INCOME-WITHHOLDING ORDER OF ANOTHER STATE MAY BE REGISTERED IN THIS STATE BY SENDING THE FOLLOWING DOCUMENTS AND INFORMATION TO THE APPROPRIATE TRIBUNAL IN THIS STATE:

(1) A LETTER OF TRANSMITTAL TO THE TRIBUNAL REQUESTING REGISTRATION AND ENFORCEMENT;

(2) TWO COPIES, INCLUDING ONE CERTIFIED COPY, OF ALL ORDERS TO BE REGISTERED, INCLUDING ANY MODIFICATION OF AN ORDER;

(3) A SWORN STATEMENT BY THE PARTY SEEKING REGISTRATION OR A CERTIFIED STATEMENT BY THE CUSTODIAN OF THE RECORDS SHOWING THE AMOUNT OF ANY ARREARAGE;

(4) THE NAME OF THE OBLIGOR AND, IF KNOWN:

(i) THE OBLIGOR'S ADDRESS AND SOCIAL SECURITY NUMBER;

(ii) THE NAME AND ADDRESS OF THE OBLIGOR'S EMPLOYER AND ANY OTHER SOURCE OF INCOME OF THE OBLIGOR; AND

(iii) A DESCRIPTION AND THE LOCATION OF PROPERTY OF THE OBLIGOR IN THIS STATE NOT EXEMPT FROM EXECUTION; AND

(5) THE NAME AND ADDRESS OF THE OBLIGEE AND, IF APPLICABLE, THE AGENCY OR PERSON TO WHOM SUPPORT PAYMENTS ARE TO BE REMITTED.

(b) ON RECEIPT OF A REQUEST FOR REGISTRATION, THE REGISTERING TRIBUNAL SHALL CAUSE THE ORDER TO BE FILED AS A FOREIGN JUDGMENT, TOGETHER WITH ONE COPY OF THE DOCUMENTS AND INFORMATION, REGARDLESS OF THEIR FORM.

(c) A PETITION OR COMPARABLE PLEADING SEEKING A REMEDY THAT MUST BE AFFIRMATIVELY SOUGHT UNDER OTHER LAW OF THIS STATE MAY BE FILED AT THE SAME TIME AS THE REQUEST FOR REGISTRATION OR LATER. THE PLEADING MUST SPECIFY THE GROUNDS FOR THE REMEDY SOUGHT.

**14-5-603. Effect of registration for enforcement.** (a) A SUPPORT ORDER OR INCOME-WITHHOLDING ORDER ISSUED IN ANOTHER STATE IS REGISTERED WHEN THE ORDER IS FILED IN THE REGISTERING TRIBUNAL OF THIS STATE.

(b) A REGISTERED ORDER ISSUED IN ANOTHER STATE IS ENFORCEABLE IN THE SAME MANNER AND IS SUBJECT TO THE SAME PROCEDURES AS AN ORDER ISSUED BY A TRIBUNAL OF THIS STATE.

(c) EXCEPT AS OTHERWISE PROVIDED IN THIS PART 6, A TRIBUNAL OF THIS STATE SHALL RECOGNIZE AND ENFORCE, BUT MAY NOT MODIFY, A REGISTERED ORDER IF THE ISSUING TRIBUNAL HAD JURISDICTION.

**14-5-604. Choice of law.** (a) THE LAW OF THE ISSUING STATE GOVERNS THE NATURE, EXTENT, AMOUNT, AND DURATION OF CURRENT PAYMENTS AND OTHER OBLIGATIONS OF SUPPORT AND THE PAYMENT OF ARREARAGES UNDER THE ORDER.

(b) IN A PROCEEDING FOR ARREARAGES, THE STATUTE OF LIMITATION UNDER THE LAWS OF THIS STATE OR OF THE ISSUING STATE, WHICHEVER IS LONGER, APPLIES.

#### PART B. CONTEST OF VALIDITY OR ENFORCEMENT

**14-5-605. Notice of registration of order.** (a) WHEN A SUPPORT ORDER OR INCOME-WITHHOLDING ORDER ISSUED IN ANOTHER STATE IS REGISTERED, THE REGISTERING TRIBUNAL SHALL NOTIFY THE NONREGISTERING PARTY. NOTICE MUST BE GIVEN BY FIRST CLASS, CERTIFIED, OR REGISTERED MAIL OR BY ANY MEANS OF PERSONAL SERVICE AUTHORIZED BY THE LAW OF THIS STATE. THE NOTICE MUST BE ACCOMPANIED BY A COPY OF THE REGISTERED ORDER AND THE DOCUMENTS AND RELEVANT INFORMATION ACCOMPANYING THE ORDER.

(b) THE NOTICE MUST INFORM THE NONREGISTERING PARTY:

(1) THAT A REGISTERED ORDER IS ENFORCEABLE AS OF THE DATE OF REGISTRATION IN THE SAME MANNER AS AN ORDER ISSUED BY A TRIBUNAL OF THIS STATE;

(2) THAT A HEARING TO CONTEST THE VALIDITY OR ENFORCEMENT OF THE REGISTERED ORDER MUST BE REQUESTED WITHIN TWENTY DAYS AFTER THE DATE OF MAILING OR PERSONAL SERVICE OF THE NOTICE;

(3) THAT FAILURE TO CONTEST THE VALIDITY OR ENFORCEMENT OF THE REGISTERED ORDER IN A TIMELY MANNER WILL RESULT IN CONFIRMATION OF THE ORDER AND ENFORCEMENT OF THE ORDER AND THE ALLEGED ARREARAGES AND PRECLUDES FURTHER CONTEST OF THAT ORDER WITH RESPECT TO ANY MATTER THAT COULD HAVE BEEN ASSERTED; AND

(4) OF THE AMOUNT OF ANY ALLEGED ARREARAGES.

(c) UPON REGISTRATION OF AN INCOME-WITHHOLDING ORDER FOR ENFORCEMENT, THE REGISTERING TRIBUNAL SHALL NOTIFY THE OBLIGOR'S EMPLOYER PURSUANT TO THE INCOME-WITHHOLDING LAW OF THIS STATE.

**14-5-606. Procedure to contest validity or enforcement of registered order.**

(a) A NONREGISTERING PARTY SEEKING TO CONTEST THE VALIDITY OR ENFORCEMENT OF A REGISTERED ORDER IN THIS STATE SHALL REQUEST A HEARING WITHIN TWENTY DAYS AFTER THE DATE OF MAILING OR PERSONAL SERVICE OF NOTICE OF THE REGISTRATION. THE NONREGISTERING PARTY MAY SEEK TO VACATE THE REGISTRATION, TO ASSERT ANY DEFENSE TO AN ALLEGATION OF NONCOMPLIANCE WITH THE REGISTERED ORDER, OR TO CONTEST THE REMEDIES BEING SOUGHT OR THE AMOUNT OF ANY ALLEGED ARREARAGES PURSUANT TO SECTION 14-5-607 (CONTEST OF REGISTRATION OR ENFORCEMENT).

(b) IF THE NONREGISTERING PARTY FAILS TO CONTEST THE VALIDITY OR ENFORCEMENT OF THE REGISTERED ORDER IN A TIMELY MANNER, THE ORDER IS CONFIRMED BY OPERATION OF LAW.

(c) IF A NONREGISTERING PARTY REQUESTS A HEARING TO CONTEST THE VALIDITY OR ENFORCEMENT OF THE REGISTERED ORDER, THE REGISTERING TRIBUNAL SHALL SCHEDULE THE MATTER FOR HEARING AND GIVE NOTICE TO THE PARTIES BY FIRST CLASS MAIL OF THE DATE, TIME, AND PLACE OF THE HEARING.

**14-5-607. Contest of registration or enforcement.** (a) A PARTY CONTESTING THE VALIDITY OR ENFORCEMENT OF A REGISTERED ORDER OR SEEKING TO VACATE THE REGISTRATION HAS THE BURDEN OF PROVING ONE OR MORE OF THE FOLLOWING DEFENSES:

(1) THE ISSUING TRIBUNAL LACKED PERSONAL JURISDICTION OVER THE CONTESTING PARTY;

(2) THE ORDER WAS OBTAINED BY FRAUD;

(3) THE ORDER HAS BEEN VACATED, SUSPENDED, OR MODIFIED BY A LATER ORDER;

- (4) THE ISSUING TRIBUNAL HAS STAYED THE ORDER PENDING APPEAL;
- (5) THERE IS A DEFENSE UNDER THE LAW OF THIS STATE TO THE REMEDY SOUGHT;
- (6) FULL OR PARTIAL PAYMENT HAS BEEN MADE; OR
- (7) THE STATUTE OF LIMITATION UNDER SECTION 14-5-604 (CHOICE OF LAW) PRECLUDES ENFORCEMENT OF SOME OR ALL OF THE ARREARAGES.

(b) IF A PARTY PRESENTS EVIDENCE ESTABLISHING A FULL OR PARTIAL DEFENSE UNDER SUBSECTION (a) OF THIS SECTION, A TRIBUNAL MAY STAY ENFORCEMENT OF THE REGISTERED ORDER, CONTINUE THE PROCEEDING TO PERMIT PRODUCTION OF ADDITIONAL RELEVANT EVIDENCE, AND ISSUE OTHER APPROPRIATE ORDERS. AN UNCONTESTED PORTION OF THE REGISTERED ORDER MAY BE ENFORCED BY ALL REMEDIES AVAILABLE UNDER THE LAW OF THIS STATE.

(c) IF THE CONTESTING PARTY DOES NOT ESTABLISH A DEFENSE UNDER SUBSECTION (a) OF THIS SECTION TO THE VALIDITY OR ENFORCEMENT OF THE ORDER, THE REGISTERING TRIBUNAL SHALL ISSUE AN ORDER CONFIRMING THE ORDER.

**14-5-608. Confirmed order.** CONFIRMATION OF A REGISTERED ORDER, WHETHER BY OPERATION OF LAW OR AFTER NOTICE AND HEARING, PRECLUDES FURTHER CONTEST OF THE ORDER WITH RESPECT TO ANY MATTER THAT COULD HAVE BEEN ASSERTED AT THE TIME OF REGISTRATION.

#### PART C. REGISTRATION AND MODIFICATION OF CHILD SUPPORT ORDER

**14-5-609. Procedure to register child support order of another state for modification.** A PARTY OR SUPPORT ENFORCEMENT AGENCY SEEKING TO MODIFY, OR TO MODIFY AND ENFORCE, A CHILD SUPPORT ORDER ISSUED IN ANOTHER STATE SHALL REGISTER THAT ORDER IN THIS STATE IN THE SAME MANNER PROVIDED IN PART A OF THIS ARTICLE IF THE ORDER HAS NOT BEEN REGISTERED. A PETITION FOR MODIFICATION MAY BE FILED AT THE SAME TIME AS A REQUEST FOR REGISTRATION, OR LATER. THE PLEADING MUST SPECIFY THE GROUNDS FOR MODIFICATION.

**14-5-610. Effect of registration for modification.** A TRIBUNAL OF THIS STATE MAY ENFORCE A CHILD SUPPORT ORDER OF ANOTHER STATE REGISTERED FOR PURPOSES OF MODIFICATION, IN THE SAME MANNER AS IF THE ORDER HAD BEEN ISSUED BY A TRIBUNAL OF THIS STATE, BUT THE REGISTERED ORDER MAY BE MODIFIED ONLY IF THE REQUIREMENTS OF SECTION 14-5-611 (MODIFICATION OF CHILD SUPPORT ORDER OF ANOTHER STATE) HAVE BEEN MET.

**14-5-611. Modification of child support order of another state.** (a) AFTER A CHILD SUPPORT ORDER ISSUED IN ANOTHER STATE HAS BEEN REGISTERED IN THIS STATE, THE RESPONDING TRIBUNAL OF THIS STATE MAY MODIFY THAT ORDER ONLY IF, AFTER NOTICE AND HEARING, IT FINDS THAT:

- (1) THE FOLLOWING REQUIREMENTS ARE MET:
  - (i) THE CHILD, THE INDIVIDUAL OBLIGEE, AND THE OBLIGOR DO NOT RESIDE IN THE

ISSUING STATE;

(ii) A PETITIONER WHO IS A NONRESIDENT OF THIS STATE SEEKS MODIFICATION;  
AND

(iii) THE RESPONDENT IS SUBJECT TO THE PERSONAL JURISDICTION OF THE  
TRIBUNAL OF THIS STATE; OR

(2) AN INDIVIDUAL PARTY OR THE CHILD IS SUBJECT TO THE PERSONAL  
JURISDICTION OF THE TRIBUNAL AND ALL OF THE INDIVIDUAL PARTIES HAVE FILED A  
WRITTEN CONSENT IN THE ISSUING TRIBUNAL PROVIDING THAT A TRIBUNAL OF THIS  
STATE MAY MODIFY THE SUPPORT ORDER AND ASSUME CONTINUING, EXCLUSIVE  
JURISDICTION OVER THE ORDER.

(b) MODIFICATION OF A REGISTERED CHILD SUPPORT ORDER IS SUBJECT TO THE  
SAME REQUIREMENTS, PROCEDURES, AND DEFENSES THAT APPLY TO THE  
MODIFICATION OF AN ORDER ISSUED BY A TRIBUNAL OF THIS STATE AND THE ORDER  
MAY BE ENFORCED AND SATISFIED IN THE SAME MANNER.

(c) A TRIBUNAL OF THIS STATE MAY NOT MODIFY ANY ASPECT OF A CHILD SUPPORT  
ORDER THAT MAY NOT BE MODIFIED UNDER THE LAW OF THE ISSUING STATE.

(d) ON ISSUANCE OF AN ORDER MODIFYING A CHILD SUPPORT ORDER ISSUED IN  
ANOTHER STATE, A TRIBUNAL OF THIS STATE BECOMES THE TRIBUNAL OF CONTINUING,  
EXCLUSIVE JURISDICTION.

(e) WITHIN THIRTY DAYS AFTER ISSUANCE OF A MODIFIED CHILD SUPPORT ORDER,  
THE PARTY OBTAINING THE MODIFICATION SHALL FILE A CERTIFIED COPY OF THE  
ORDER WITH THE ISSUING TRIBUNAL WHICH HAD CONTINUING, EXCLUSIVE  
JURISDICTION OVER THE EARLIER ORDER, AND IN EACH TRIBUNAL IN WHICH THE PARTY  
KNOWS THAT EARLIER ORDER HAS BEEN REGISTERED.

**14-5-612. Recognition of order modified in another state.** A TRIBUNAL OF THIS  
STATE SHALL RECOGNIZE A MODIFICATION OF ITS EARLIER CHILD SUPPORT ORDER BY  
A TRIBUNAL OF ANOTHER STATE WHICH ASSUMED JURISDICTION PURSUANT TO A LAW  
SUBSTANTIALLY SIMILAR TO THIS ARTICLE AND, UPON REQUEST, EXCEPT AS  
OTHERWISE PROVIDED IN THIS ARTICLE, SHALL:

(1) ENFORCE THE ORDER THAT WAS MODIFIED ONLY AS TO AMOUNTS ACCRUING  
BEFORE THE MODIFICATION;

(2) ENFORCE ONLY NONMODIFIABLE ASPECTS OF THAT ORDER;

(3) PROVIDE OTHER APPROPRIATE RELIEF ONLY FOR VIOLATIONS OF THAT ORDER  
WHICH OCCURRED BEFORE THE EFFECTIVE DATE OF THE MODIFICATION; AND

(4) RECOGNIZE THE MODIFYING ORDER OF THE OTHER STATE, UPON REGISTRATION,  
FOR THE PURPOSE OF ENFORCEMENT.

PART 7  
DETERMINATION OF PARENTAGE

**14-5-701. Proceeding to determine parentage.** (a) A TRIBUNAL OF THIS STATE MAY SERVE AS AN INITIATING OR RESPONDING TRIBUNAL IN A PROCEEDING BROUGHT UNDER THIS ARTICLE OR A LAW SUBSTANTIALLY SIMILAR TO THIS ARTICLE, THE "UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT", OR THE "REVISED UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT" TO DETERMINE THAT THE PETITIONER IS A PARENT OF A PARTICULAR CHILD OR TO DETERMINE THAT A RESPONDENT IS A PARENT OF THAT CHILD.

(b) IN A PROCEEDING TO DETERMINE PARENTAGE, A RESPONDING TRIBUNAL OF THIS STATE SHALL APPLY THE "UNIFORM PARENTAGE ACT" AND THE RULES OF THIS STATE ON CHOICE OF LAW.

## PART 8 INTERSTATE RENDITION

**14-5-801. Grounds for rendition.** (a) FOR PURPOSES OF THIS PART 8, "GOVERNOR" INCLUDES AN INDIVIDUAL PERFORMING THE FUNCTIONS OF GOVERNOR OR THE EXECUTIVE AUTHORITY OF A STATE COVERED BY THIS ARTICLE.

(b) THE GOVERNOR OF THIS STATE MAY:

(1) DEMAND THAT THE GOVERNOR OF ANOTHER STATE SURRENDER AN INDIVIDUAL FOUND IN THE OTHER STATE WHO IS CHARGED CRIMINALLY IN THIS STATE WITH HAVING FAILED TO PROVIDE FOR THE SUPPORT OF AN OBLIGEE; OR

(2) ON THE DEMAND BY THE GOVERNOR OF ANOTHER STATE, SURRENDER AN INDIVIDUAL FOUND IN THIS STATE WHO IS CHARGED CRIMINALLY IN THE OTHER STATE WITH HAVING FAILED TO PROVIDE FOR THE SUPPORT OF AN OBLIGEE.

(c) A PROVISION FOR EXTRADITION OF INDIVIDUALS NOT INCONSISTENT WITH THIS ARTICLE APPLIES TO THE DEMAND EVEN IF THE INDIVIDUAL WHOSE SURRENDER IS DEMANDED WAS NOT IN THE DEMANDING STATE WHEN THE CRIME WAS ALLEGEDLY COMMITTED AND HAS NOT FLED THEREFROM.

**14-5-802. Conditions of rendition.** (a) BEFORE MAKING DEMAND THAT THE GOVERNOR OF ANOTHER STATE SURRENDER AN INDIVIDUAL CHARGED CRIMINALLY IN THIS STATE WITH HAVING FAILED TO PROVIDE FOR THE SUPPORT OF AN OBLIGEE, THE GOVERNOR OF THIS STATE MAY REQUIRE A PROSECUTOR OF THIS STATE TO DEMONSTRATE THAT AT LEAST SIXTY DAYS PREVIOUSLY THE OBLIGEE HAD INITIATED PROCEEDINGS FOR SUPPORT PURSUANT TO THIS ARTICLE OR THAT THE PROCEEDING WOULD BE OF NO AVAIL.

(b) IF, UNDER THIS ARTICLE OR A LAW SUBSTANTIALLY SIMILAR TO THIS ARTICLE, THE "UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT", OR THE "REVISED UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT", THE GOVERNOR OF ANOTHER STATE MAKES A DEMAND THAT THE GOVERNOR OF THIS STATE SURRENDER AN INDIVIDUAL CHARGED CRIMINALLY IN THAT STATE WITH HAVING FAILED TO PROVIDE FOR THE SUPPORT OF A CHILD OR OTHER INDIVIDUAL TO WHOM A DUTY OF SUPPORT IS OWED, THE GOVERNOR MAY REQUIRE A PROSECUTOR TO INVESTIGATE THE DEMAND AND REPORT WHETHER A PROCEEDING FOR SUPPORT HAS BEEN INITIATED OR WOULD BE EFFECTIVE. IF IT APPEARS THAT A PROCEEDING WOULD BE EFFECTIVE BUT

HAS NOT BEEN INITIATED, THE GOVERNOR MAY DELAY HONORING THE DEMAND FOR A REASONABLE TIME TO PERMIT THE INITIATION OF A PROCEEDING.

(c) IF A PROCEEDING FOR SUPPORT HAS BEEN INITIATED AND THE INDIVIDUAL WHOSE RENDITION IS DEMANDED PREVAILS, THE GOVERNOR MAY DECLINE TO HONOR THE DEMAND. IF THE PETITIONER PREVAILS AND THE INDIVIDUAL WHOSE RENDITION IS DEMANDED IS SUBJECT TO A SUPPORT ORDER, THE GOVERNOR MAY DECLINE TO HONOR THE DEMAND IF THE INDIVIDUAL IS COMPLYING WITH THE SUPPORT ORDER.

#### PART 9 MISCELLANEOUS PROVISIONS

**14-5-901. Uniformity of application and construction.** THIS ARTICLE SHALL BE APPLIED AND CONSTRUED TO EFFECTUATE ITS GENERAL PURPOSE TO MAKE UNIFORM THE LAW WITH RESPECT TO THE SUBJECT OF THIS ARTICLE AMONG STATES ENACTING IT.

**14-5-902. Short title.** THIS ARTICLE MAY BE CITED AS THE "UNIFORM INTERSTATE FAMILY SUPPORT ACT".

**14-5-903. Severability clause.** IF ANY PROVISION OF THIS ARTICLE OR ITS APPLICATION TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, THE INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THIS ARTICLE WHICH CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF THIS ARTICLE ARE SEVERABLE.

#### PART 10 COLORADO IMPLEMENTATION PROVISIONS

**14-5-1001. Venue.** VENUE IN AN INITIATING PROCEEDING IS PROPER IN ANY COUNTY IN WHICH THE CHILD RESIDES OR IS PHYSICALLY PRESENT, OR IN ANY COUNTY WHERE A CHILD SUPPORT ORDER EXISTS, OR IN ANY COUNTY WHERE PUBLIC ASSISTANCE IS OR WAS BEING PAID ON BEHALF OF THE CHILD. VENUE IN A RESPONDING PROCEEDING IS PROPER IN ANY COUNTY WHERE THE OBLIGOR PARENT RESIDES, OR IN ANY COUNTY WHERE THE OBLIGOR PARENT IS EMPLOYED OR DERIVES INCOME, OR IN ANY COUNTY WHERE A CHILD SUPPORT ORDER EXISTS, OR IN ANY COUNTY WHERE PUBLIC ASSISTANCE IS OR WAS BEING PAID ON BEHALF OF THE CHILD. THE TRIBUNAL SHALL NOT DECLINE OR REFUSE TO ACCEPT AND FORWARD THE COMPLAINT ON THE GROUND THAT IT SHOULD BE FILED WITH SOME OTHER TRIBUNAL OF THIS OR ANY OTHER STATE WHERE THERE IS PENDING ANOTHER ACTION FOR DIVORCE, SEPARATION, ANNULMENT, DISSOLUTION, HABEAS CORPUS, ADOPTION, OR CUSTODY BETWEEN THE SAME PARTIES.

**14-5-1002. Jurisdiction by arrest.** (1) IF THE TRIBUNAL OF THIS STATE BELIEVES THAT THE OBLIGOR MAY FLEE, IT MAY:

(a) AS AN INITIATING TRIBUNAL, REQUEST IN ITS CERTIFICATE THAT THE RESPONDING TRIBUNAL OBTAIN THE BODY OF THE OBLIGOR BY APPROPRIATE PROCESS; OR

(b) AS A RESPONDING TRIBUNAL, OBTAIN THE BODY OF THE OBLIGOR BY

APPROPRIATE PROCESS. THEREUPON, IT MAY RELEASE THE OBLIGOR UPON SUCH OBLIGOR'S OWN RECOGNIZANCE OR UPON SUCH OBLIGOR'S GIVING A BOND IN AN AMOUNT SET BY THE TRIBUNAL TO ASSURE THE OBLIGOR'S APPEARANCE AT THE HEARING.

**14-5-1003. Duty of officials of this state as responding state.** (1) THE SUPPORT ENFORCEMENT AGENCY SHALL PROSECUTE THE CASE DILIGENTLY, SHALL TAKE ALL ACTION NECESSARY IN ACCORDANCE WITH THE LAWS OF THIS STATE TO ENABLE THE TRIBUNAL TO OBTAIN JURISDICTION OVER THE OBLIGOR OR THE OBLIGOR'S PROPERTY, AND SHALL REQUEST THE TRIBUNAL TO SET A TIME AND PLACE FOR A HEARING AND GIVE NOTICE THEREOF TO THE OBLIGOR IN ACCORDANCE WITH LAW. THE SUPPORT ENFORCEMENT AGENCY DOES NOT REPRESENT THE OBLIGEE BUT REPRESENTS THE PEOPLE OF THE STATE OF COLORADO. THE ACTIONS OF THE SUPPORT ENFORCEMENT AGENCY SHALL NOT BE CONSTRUED TO CREATE AN ATTORNEY-CLIENT RELATIONSHIP BETWEEN THE ATTORNEY AND ANY PARTY OTHER THAN THE PEOPLE OF THE STATE OF COLORADO.

(2) FOR PURPOSES OF THIS ARTICLE, "SUPPORT ENFORCEMENT AGENCY" ALSO MEANS ANY DISTRICT ATTORNEY OF THIS STATE OR THE PUBLIC OFFICIAL IN THE APPROPRIATE PLACE WHO HAS A DUTY TO ENFORCE CRIMINAL LAWS RELATING TO THE FAILURE TO PROVIDE FOR THE SUPPORT OF ANY PERSON. "SUPPORT ENFORCEMENT AGENCY" ALSO INCLUDES ANY PRIVATE ATTORNEY OR COUNTY ATTORNEY OF THIS STATE HIRED OR CONTRACTED FOR BY THE STATE ENFORCEMENT AGENCY TO PROVIDE CHILD SUPPORT SERVICES UNDER THIS ARTICLE.

**14-5-1004. Proceedings not to be stayed.** A RESPONDING TRIBUNAL SHALL NOT STAY THE PROCEEDING OR REFUSE A HEARING UNDER THIS ARTICLE BECAUSE OF ANY PENDING OR PRIOR ACTION OR PROCEEDING FOR DIVORCE, SEPARATION, ANNULMENT, DISSOLUTION, HABEAS CORPUS, ADOPTION, OR CUSTODY IN THIS OR ANY OTHER STATE. THE TRIBUNAL SHALL HOLD A HEARING AND MAY ISSUE A SUPPORT ORDER PENDENTE LITE. IN AID THEREOF, THE TRIBUNAL MAY REQUIRE THE OBLIGOR TO GIVE A BOND FOR THE PROMPT PROSECUTION OF THE PENDING PROCEEDING. IF THE OTHER ACTION OR PROCEEDING IS CONCLUDED BEFORE THE HEARING IN THE INSTANT PROCEEDING AND THE JUDGMENT THEREIN PROVIDES FOR THE SUPPORT DEMANDED IN THE COMPLAINT BEING HEARD, THE TRIBUNAL SHALL CONFORM ITS SUPPORT ORDER TO THE AMOUNT ALLOWED IN THE OTHER ACTION OR PROCEEDING. THEREAFTER, THE TRIBUNAL SHALL NOT STAY ENFORCEMENT OF ITS SUPPORT ORDER BECAUSE OF THE RETENTION OF JURISDICTION FOR ENFORCEMENT PURPOSES BY THE TRIBUNAL IN THE OTHER ACTION OR PROCEEDING.

**14-5-1005. Declaration of reciprocity.** WHEN THE ATTORNEY GENERAL IS SATISFIED THAT RECIPROCAL PROVISIONS WILL BE MADE BY ANY FOREIGN JURISDICTION FOR THE ENFORCEMENT THEREIN OF SUPPORT ORDERS MADE WITHIN THIS STATE, THE ATTORNEY GENERAL MAY DECLARE THE FOREIGN JURISDICTION TO BE A RECIPROCATING STATE FOR THE PURPOSE OF THIS SECTION, AND ANY SUCH DECLARATION MAY BE REVOKED BY THE ATTORNEY GENERAL. SUCH A DECLARATION BY THE ATTORNEY GENERAL MAY BE REVIEWED BY THE TRIBUNAL IN AN ACTION BROUGHT PURSUANT TO THIS TITLE.

**14-5-1006. Interstate central registry - duties as the responding and initiating state.** (1) FOR PURPOSES OF THIS SECTION, "INTERSTATE CENTRAL REGISTRY" MEANS

A SINGLE UNIT OR OFFICE WITHIN THE STATE DEPARTMENT OF SOCIAL SERVICES WHICH RECEIVES, DISSEMINATES, AND HAS OVERSIGHT RESPONSIBILITY FOR INITIATED AND RESPONDING INTERSTATE ACTIONS FILED UNDER TITLE IV-D OF THE FEDERAL "SOCIAL SECURITY ACT", AS AMENDED, INCLUDING ANY PROCEEDINGS FILED PURSUANT TO THIS ARTICLE.

(2) THE INTERSTATE CENTRAL REGISTRY SHALL RECEIVE FILINGS UNDER TITLE IV-D OF THE FEDERAL "SOCIAL SECURITY ACT", AS AMENDED, AND SHALL TRANSMIT SUCH FILINGS FOR PROCESSING AS THE RESPONDING STATE TO THE APPROPRIATE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT OR TRANSMIT THE FILINGS TO THE OTHER STATE'S INTERSTATE CENTRAL REGISTRY AS THE INITIATING STATE.

**SECTION 2.** 13-5-301 (3) (d), Colorado Revised Statutes, 1987 Repl. Vol., is amended to read:

**13-5-301. Family law magistrates - qualifications - duties.** (3) Subject to the provision that no magistrate may preside in any trial by jury, family law magistrates shall have the following duties, powers, and authority:

(d) To conduct hearings under the ~~"Revised Uniform Reciprocal Enforcement of Support Act"~~ "UNIFORM INTERSTATE FAMILY SUPPORT ACT", article 5 of title 14, C.R.S.;

**SECTION 3.** 13-32-101 (5), Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended to read:

**13-32-101. Docket fees in civil actions - support registry fund created.** (5) In any proceeding held pursuant to articles 5, 10, 11, 13, and 14 of title 14, C.R.S., where a decree or final or permanent order has been entered and more than sixty days have passed, there shall be assessed at the time of filing a motion to modify, amend, or alter said decree or order, a fee of fifteen dollars.

**SECTION 4.** 13-32-113, Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended to read:

**13-32-113. Exemption from fees.** Delegate child support enforcement units shall be exempt from the payment of any fees authorized in this article when they file proceedings in connection with the establishment and enforcement of child support pursuant to article 13 of title 26, C.R.S., or pursuant to article 5 of title 14, C.R.S.

**SECTION 5.** 14-10-115 (1.5) (c) and (17), Colorado Revised Statutes, 1987 Repl. Vol., as amended, are amended to read:

**14-10-115. Child support - guidelines - schedule of basic child support obligations.** (1.5) (c) This subsection (1.5) shall apply to all child support obligations established or modified as a part of any proceeding, including but not limited to articles 5, 6, and 10 of this title, and articles 4 and 6 of title 19, C.R.S., whether filed on, prior to, or subsequent to July 1, 1991; except that paragraph (a) of this subsection (1.5) does not apply to modifications of child support obligations with respect to a child whose nineteenth birthday falls before July 1, 1991.

(17) This section shall apply to all child support obligations, established or modified, as a part of any proceeding, including, but not limited to, articles 5, 6, and 10 of this title and articles 4 and 6 of title 19, C.R.S., whether filed on, prior to, or subsequent to July 10, 1987.

**SECTION 6.** 14-14-111 (2) (a) and (3), Colorado Revised Statutes, 1987 Repl. Vol., as amended, are amended to read:

**14-14-111. Immediate deductions for family support obligations - legislative declaration - procedures - applicability.** (2) (a) With respect to child support orders for a child on whose behalf the custodian of that child is receiving support enforcement services from a delegate child support enforcement unit pursuant to section 26-13-106, C.R.S., and with respect to actions brought pursuant to article 5 of this title, on and after January 1, 1990, whenever an obligation for child support, maintenance, child support when combined with maintenance, child support arrears, or child support debt is initially determined, whether temporary or permanent, or modified by the court, the amount of child support, maintenance, child support when combined with maintenance, child support arrears, or child support debt shall be ordered by the court to be deducted and withheld, subject to section 13-54-104 (3), C.R.S., from the income, as defined in section 14-10-115 (7), which is due or to become due in the future from the obligor's employer, employers, or successor employers, or other payor of funds, regardless of the source, of the person obligated to pay the child support, maintenance, child support when combined with maintenance, child support arrears, or child support debt.

(3) This section applies to any action brought under this article or article 5, 6, or 10 of this title or under article 4 or 6 of title 19, C.R.S.

**SECTION 7.** The introductory portion to 19-4-107 (1) and 19-4-107 (2), Colorado Revised Statutes, 1986 Repl. Vol., as amended, are amended to read:

**19-4-107. Determination of father and child relationship - who may bring action - when action may be brought.** (1) A child, his natural mother, or a man presumed to be his father under section 19-4-105 (1) (a), (1) (b), or (1) (c) or the state, the state department of social services, or a county department of social services, pursuant to article 13 or 13.5 of title 26, C.R.S., or article 5 of title 14, C.R.S., may bring an action:

(2) Any interested party, including the state, the state department of social services, or a county department of social services, pursuant to article 13 or 13.5 of title 26, C.R.S., or article 5 of title 14, C.R.S., may bring an action at any time for the purpose of determining the existence or nonexistence of the father and child relationship presumed under section 19-4-105 (1) (d), (1) (e), or (1) (f).

**SECTION 8.** 24-33.5-412 (1) (f), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**24-33.5-412. Functions of bureau - legislative review.** (1) The bureau has the following authority:

(f) To enter into and perform contracts with the department of social services for

the investigation of any matters arising under the "~~Revised Uniform Reciprocal Enforcement of Support Act~~" "UNIFORM INTERSTATE FAMILY SUPPORT ACT", article 5 of title 14, C.R.S., or a substantially similar enactment of another state;

**SECTION 9.** 24-35-212 (5), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

**24-35-212. Prizes.** (5) Prior to the payment of any lottery winnings required by rule and regulation of the commission to be paid only at the lottery offices, the department of revenue shall require the winner to submit the winner's social security number and federal employer identification number, if applicable, and shall check the social security number of the winner with those certified by the department of social services for the purpose of the state lottery winnings offset as provided in section 26-13-118, C.R.S. The social security number and the federal employer identification number shall not become part of the public record of the department of revenue. If the social security number of a lottery winner appears among those certified by the department of social services, the department of revenue shall suspend the payment of such winnings until the requirements of section 26-13-118, C.R.S., are met. If, after consulting with the department of social services, the department of revenue determines that the lottery winner owes a child support debt pursuant to section 14-14-104, C.R.S., or owes child support arrearages as part of an enforcement action pursuant to ~~section 14-5-119~~ ARTICLE 5 OF TITLE 14, C.R.S., or owes child support arrearages which are the subject of enforcement services provided pursuant to section 26-13-106, C.R.S., then the department of revenue shall withhold from the amount of winnings paid to the lottery winner an amount equal to the amount of child support debt or child support arrearages which are due or, if the amount of winnings is less than or equal to the amount of child support debt or arrearages due, shall withhold the entire amount of the lottery winnings. Any moneys so withheld shall be transmitted to the state treasurer for disbursement by the department of social services as directed in section 26-13-118, C.R.S.

**SECTION 10.** The introductory portion to 26-13-109 (1), Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

**26-13-109. Enforcement of support UIFSA.** (1) The state department shall be the state information agency for the "~~Revised Uniform Reciprocal Enforcement of Support Act~~" "UNIFORM INTERSTATE FAMILY SUPPORT ACT", article 5 of title 14, C.R.S., in this state and reciprocal laws of other states; and, in this capacity, the state department shall:

**SECTION 11.** 26-13-111 (1) (a), Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

**26-13-111. State income tax refund offset.** (1) (a) At any time prescribed by the department of revenue, but not less frequently than annually, the state department shall certify to the department of revenue information regarding persons who owe a child support debt to the state pursuant to section 14-14-104, C.R.S., or who owe child support arrearages as requested as a part of an enforcement action pursuant to ~~section 14-5-119~~ ARTICLE 5 OF TITLE 14, C.R.S., or who owe child support arrearages which are the subject of enforcement services provided pursuant to section 26-13-106.

**SECTION 12.** 26-13-118 (1) (a), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

**26-13-118. Lottery winnings offset.** (1) (a) The state department shall periodically certify to the department of revenue information regarding persons who owe a child support debt to the state pursuant to section 14-14-104, C.R.S., or who owe child support arrearages as requested as a part of an enforcement action pursuant to ~~section 14-5-119~~ ARTICLE 5 OF TITLE 14, C.R.S., or who owe child support arrearages which are the subject of enforcement services provided pursuant to section 26-13-106.

**SECTION 13.** 26-13-121 (8), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

**26-13-121. Review and modification of child support orders.** (8) Nothing in this section shall be construed to limit any party's right to seek modification of a child support order pursuant to ~~section 14-5-110 (3)~~ ARTICLE 5 OF TITLE 14, SECTION 14-10-122, SECTION 19-4-119, or SECTION 19-6-104, C.R.S.

**SECTION 14.** 26-13.5-111 (4), Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

**26-13.5-111. Establishment and enforcement of duties of support upon request of agency of another state.** (4) The remedies provided by this section are additional to those remedies provided by the "~~Revised Uniform Reciprocal Enforcement of Support Act~~" "UNIFORM INTERSTATE FAMILY SUPPORT ACT", article 5 of title 14, C.R.S.

**SECTION 15.** 27-12-109 (3), Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

**27-12-109. Further actions.** (3) Claims against responsible relatives in other states may be enforced as claims for support under the provisions of the "~~Revised Uniform Reciprocal Enforcement of Support Act~~" "UNIFORM INTERSTATE FAMILY SUPPORT ACT" (article 5 of title 14, C.R.S.).

**SECTION 16. Effective date.** This act shall take effect January 1, 1995.

**SECTION 17. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 6, 1993