

ENROLLED ACT NO. 65, HOUSE OF REPRESENTATIVES

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2005 GENERAL SESSION

AN ACT relating to the Uniform Interstate Family Support Act; amending the act to conform with changes proposed by the National Conference of Commissioners on Uniform State Laws; amending definitions; clarifying procedures with respect to which jurisdiction among the various states has jurisdiction under specified circumstances; deleting obsolete references; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 20-4-195 through 20-4-197 are created to read:

20-4-195. Application of act to nonresident subject to person jurisdiction.

A tribunal of this state exercising personal jurisdiction over a nonresident in a proceeding under this act, under other law of this state relating to a support order, or recognizing a support order of a foreign country or political subdivision on the basis of comity may receive evidence from another state pursuant to W.S. 20-4-166, communicate with a tribunal of another state pursuant to W.S. 20-4-167, and obtain discovery through a tribunal of another state pursuant to W.S. 20-4-168. In all other respects, W.S. 20-4-151 through 20-4-185 do not apply and the tribunal shall apply the procedural and substantive law of this state.

20-4-196. Continuing exclusive jurisdiction to modify spousal support order.

(a) A tribunal of this state issuing a spousal support order consistent with the law of this state has continuing, exclusive jurisdiction to modify the spousal

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support order throughout the existence of the support obligation.

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

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

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

(ii) A responding tribunal to enforce or modify its own spousal support order.

20-4-197. Jurisdiction to modify child support order of foreign country or political subdivision.

(a) If a foreign country or political subdivision that is a state will not or may not modify its order pursuant to its laws, a tribunal of this state may assume jurisdiction to modify the child support order and bind all individuals subject to the personal jurisdiction of the tribunal whether or not the consent to modification of a child support order otherwise required of the individual pursuant to W.S. 20-4-183 has been given or whether the individual seeking modification is a resident of this state or of the foreign country or political subdivision.

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

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Section 2. W.S. 20-4-140(a)(vii), (xv), (xviii)(B), (xix)(C), (D), by creating a new subparagraph (E), (xx), (xxii) and by creating new paragraphs (xxv) and (xxvi), 20-4-141, 20-4-142(a)(intro) and by creating a new subsection (b), 20-4-143, 20-4-146(a), (b), (d) and by creating a new subsection (g), 20-4-147(a) and (b), 20-4-148(b)(intro), (ii), (iii), (c) through (f) and by creating new subsections (g) and (h), 20-4-149, 20-4-150, 20-4-151(c), 20-4-153, 20-4-154(a)(intro) and (b), 20-4-155(b)(intro), (i) and by creating a new subsection (f), 20-4-156, 20-4-157(b)(intro), (iv), (v) and by creating new subsections (d) through (f), 20-4-158, 20-4-160(b)(ii) and (iii), 20-4-161(a), 20-4-162, 20-4-164(a), 20-4-166(a), (b), (e), (f) and by creating a new subsection (k), 20-4-167, 20-4-169, 20-4-170(b), 20-4-171(a), (e)(intro), (ii) and (g), 20-4-172(a), 20-4-173, 20-4-174(a)(intro), (ii), (iii), (v) and by creating new subsections (d) and (e), 20-4-176, 20-4-177(b)(intro), by creating a new subsection (c) and by renumbering (c) as (d), 20-4-179(a)(vi), (vii) and by creating a new paragraph (viii), 20-4-182, 20-4-183(a)(intro), (ii)(A), by creating a new paragraph (iii), (c), by creating a new subsection (d) and by amending and renumbering (d) as (e), 20-4-184(a)(intro), (i), (iii) and (iv), 20-4-185(a), 20-4-186(b)(ii), 20-4-187(b), 20-4-188 and 20-4-192(a), (b)(ii) and (iii) are amended to read:

20-4-140. Definitions.

(a) As used in this act:

(vii) "Initiating state" means a state from which a proceeding is filed for forwarding to a responding state under the Uniform Interstate Family Support Act or a law or procedure substantially similar to this act; ~~the~~

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~~Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act;~~

(xv) "Responding state" means a state in which a proceeding is filed or to which a proceeding is forwarded for filing from an initiating state under the Uniform Interstate Family Support Act or a law or procedure substantially similar to this act; ~~the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act;~~

(xviii) "State" means a state of the United States, the District of Columbia, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes:

(B) A foreign ~~jurisdiction~~ country or political subdivision that:

(I) Has been declared to be a foreign reciprocating country or political subdivision under federal law;

(II) Has established a reciprocal arrangement for child support with this state as provided in W.S. 20-4-158.

(III) Has enacted a law or established procedures for issuance and enforcement of support orders which are substantially similar to the procedures under this act. ~~the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act.~~

(xix) "Support enforcement agency" means a public official or agency authorized to seek:

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- (C) Determination of parentage;~~or~~
- (D) ~~To locate~~ Location of obligors or their assets; ~~or~~ or
- (E) Determination of the controlling child support order.

(xx) "Support order" means a judgment, decree, ~~or~~ order or directive, whether temporary, final, or subject to modification, issued by a tribunal 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;

(xxii) "This act" means W.S. 20-4-139 through ~~20-4-194~~ 20-4-197;

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

(xxvi) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in a perceivable form.

20-4-141. Remedies cumulative.

(a) Remedies provided by the Uniform Interstate Family Support Act are cumulative and do not affect the availability of remedies under other law, including the

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recognition of a support order of a foreign country or political subdivision on the basis of comity.

(b) This act does not:

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

(ii) Grant a tribunal of this state jurisdiction to render judgment or issue an order relating to child custody or visitation under this act.

20-4-142. Basis for jurisdiction over nonresident.

(a) In a proceeding to establish, or 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:

(b) The bases of personal jurisdiction set forth in subsection (a) of this section or in any other law of this state may not be used to acquire personal jurisdiction for a tribunal of this state to modify a child support order of another state unless the requirements of W.S. 20-4-183 or 20-4-197 are met.

20-4-143. Procedure when exercising jurisdiction over nonresident.

~~Personal jurisdiction acquired by a tribunal of this state exercising personal jurisdiction over a nonresident under W.S. 20-4-142 may apply to receive evidence from another state under W.S. 20-4-166 and to obtain discovery through a tribunal of another state under W.S. 20-4-168. In all other~~

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~~respects, W.S. 20-4-151 through 20-4-179 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 the Uniform Interstate Family Support Act~~ in a proceeding under this act or other law of this state relating to a support order continues as long as a tribunal of this state has continuing, exclusive jurisdiction to modify its order or continuing jurisdiction to enforce its order as provided by W.S. 20-4-146, 20-4-147 and 20-4-196.

20-4-146. Continuing exclusive jurisdiction.

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

(i) ~~As long as~~ At the time of filing of a request for modification, this state ~~remains~~ is the residence of the obligor, the individual obligee or the child for whose benefit the support order is issued; or

(ii) ~~Until all of the parties who are individuals have filed written consents with~~ Even if this state is not the residence of the obligor, the individual obligee or the child for whose benefit the support order is issued, the parties consent in a record or in open court that the tribunal of this state ~~for a tribunal of another state to modify the order and assume continuing, exclusive~~ may continue to exercise jurisdiction to modify its order.

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

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modify the order if: ~~the order has been modified by a tribunal of another state pursuant to a law substantially similar to the Uniform Interstate Family Support Act.~~

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

(ii) Its order is not the controlling order.

~~(d) A tribunal of this state shall recognize the continuing, exclusive jurisdiction of~~ If a tribunal of another state ~~which~~ has issued a child support order pursuant to ~~this act~~ the Uniform Interstate Family Support Act or a law substantially similar to ~~this~~ that act ~~which modifies a child support order of a tribunal of this state, tribunals of this state shall recognize the continuing, exclusive jurisdiction of the tribunal of the other state.~~

(g) A tribunal of this state that lacks continuing, exclusive jurisdiction to modify a child support order may serve as an initiating tribunal of another state to modify a support order issued in that state.

20-4-147. Continuing jurisdiction to enforce a child support order.

(a) A tribunal of this state that has issued a child support order consistent with the law 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.~~

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(i) The order if the order is the controlling order and has not been modified by a tribunal of another state that assumed jurisdiction pursuant to the Uniform Interstate Family Support Act; or

(ii) A money judgment for arrearages of support and interest on the order accrued before a determination that an order of another state is the controlling order.

(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 to receive evidence from another state under W.S. 20-4-166 and to obtain discovery through a tribunal of another state under W.S. 20-4-168.~~

20-4-148. Determination of controlling child support orders.

(b) If a proceeding is brought under this act, and two (2) or more child support orders have been issued by tribunals of this state or another state with regard to the same obligor and same child, a tribunal of this state having personal jurisdiction over both the obligor and individual obligee shall apply the following rules ~~in determining~~ and by order shall determine which order ~~to recognize for purposes of continuing, exclusive jurisdiction controls~~:

(ii) If more than one (1) of the tribunals would have continuing, exclusive jurisdiction under this act: r

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(A) An order issued by a tribunal in the current home state of the child controls; ~~and shall be so recognized,~~ but

(B) If an order has not been issued in the current home state of the child, the order most recently issued controls. ~~and shall be so recognized;~~

(iii) 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 (2) or more child support orders have been issued for the same obligor and same child, ~~and if the obligor or the individual obligee resides in this state, upon request of~~ a party may request who is an individual or a support enforcement agency, a tribunal of this state ~~to having personal jurisdiction over both the obligor and the obligee who is an individual shall~~ determine which order controls ~~and shall be so recognized~~ under subsection (b) of this section. This 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 the determination~~ may be filed with a registration for enforcement or registration for modification pursuant to W.S. 20-4-173 through 20-4-184, 20-4-193, 20-4-194 and 20-4-197, or may be filed as a separate proceeding.

(d) The tribunal that issued the controlling order under subsection (a), (b) or (c) of this section ~~is the tribunal that~~ has continuing, ~~exclusive~~ jurisdiction under to the extent provided in W.S. 20-4-146 or 20-4-147.

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(e) A tribunal of this state ~~which~~that determines by order ~~the identity of which is~~ the controlling order under paragraph (b)(i) or (ii) or subsection (c) of this section or ~~which~~that issues a new controlling order under paragraph (b)(iii) of this section shall state in that order:

(i) The basis upon which the tribunal made its determination;

(ii) The amount of prospective support, if any;
and

(iii) The total amount of consolidated arrearages and accrued interest, if any, under all of the orders after all payments made are credited as provided by 20-4-150.

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

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

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(h) An order that has been determined to be the controlling order, or a judgment for consolidated arrearages of support and interest, if any, made pursuant to this section shall be recognized in proceedings under this act.

20-4-149. Child support orders for two or more obligees.

In responding to ~~multiple~~ registrations or petitions for enforcement of two (2) or more child support orders in effect at the same time with regard to the same obligor and different individual obligees, at least one (1) 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.

20-4-150. Credit for payments.

~~Amounts~~ A tribunal of this state shall credit amounts collected and credited for a particular period pursuant to a any child support order against the amounts owed for the same period under any other child support order for support of the same child issued by a tribunal of this or another state. ~~shall be credited against the amounts accruing or accrued for the same period under a support order issued by the tribunal of this state.~~

20-4-151. Proceedings under the Uniform Interstate Family Support Act.

(c) An individual petitioner or a support enforcement agency may ~~commence~~ initiate a proceeding authorized under the act by filing a petition in an initiating tribunal for forwarding to a responding tribunal or by filing a petition

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or a comparable pleading directly in a tribunal of another state which has or can obtain personal jurisdiction over the respondent.

20-4-153. Application of law of this state.

(a) Except as otherwise provided ~~by the Uniform Interstate Family Support Act~~ in this act, a responding tribunal of this state shall:

(i) ~~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

(ii) ~~Shall~~ Determine the duty of support and the amount payable in accordance with the presumptive child support established under W.S. 20-2-304.

20-4-154. Duties of initiating tribunal.

(a) Upon the filing of a petition authorized by ~~the Uniform Interstate Family Support Act~~ this act, an initiating tribunal of this state shall forward ~~three (3) copies of~~ the petition and its accompanying documents:

(b) If ~~a responding state has not enacted this act or a law or procedure substantially similar to this act,~~ requested by the responding tribunal, a tribunal of this state ~~may~~ shall issue a certificate or other document and make findings required by the law of the responding state. If the responding state is a foreign ~~jurisdiction country~~ or political subdivision, upon request the tribunal ~~may~~ shall specify the amount of support sought, convert that amount into the equivalent amount in the foreign currency

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under applicable official or market exchange rate as publicly reported and provide any other documents necessary to satisfy the requirements of the responding state.

20-4-155. Duties and power of responding tribunal.

(b) A responding tribunal of this state, to the extent ~~otherwise authorized~~ not prohibited by other law, may do one (1) or more of the following:

(i) Issue or enforce a support order, modify a child support order, determine the controlling child support order or ~~render a judgment to~~ determine parentage;

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

20-4-156. Inappropriate tribunal.

If a petition or comparable pleading is received by an inappropriate tribunal of this state, ~~it~~ the tribunal shall forward the pleading and accompanying document to an appropriate tribunal in this state or another state and notify the petitioner where and when the pleading was sent.

20-4-157. Duties of support enforcement agency.

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

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(iv) Within five (5) days, exclusive of Saturdays, Sundays and legal holidays, after receipt of a written notice in a record from an initiating, responding or registering tribunal, send a copy of the notice to the petitioner;

(v) Within five (5) days, exclusive of Saturdays, Sundays and legal holidays, after receipt of a written communication in a record from the respondent or the respondent's attorney, send a copy of the communication to the petitioner; and

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

(i) To ensure that the order to be registered is the controlling order; or

(ii) If two (2) or more child support orders exist and the identity of the controlling order has not been determined, to ensure that a request for a determination is made in a tribunal having jurisdiction to do so.

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

(f) A support enforcement agency of this state shall request a tribunal of this state to issue a child support order and an income withholding order that redirect payment

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of current support, arrearages and interest if requested to do so by a support enforcement agency of another state pursuant to W.S. 20-4-169.

20-4-158. Duty of attorney general.

(a) If the state 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 act or may provide those services directly to the individual.

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

20-4-160. Duties of state information agency.

(b) The state information agency shall:

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

(iii) Forward to the appropriate tribunal in the ~~place~~county in this state in which the ~~individual~~who is an 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 act received from an initiating tribunal or the state information agency of the initiating state; and

20-4-161. Pleadings and accompanying documents.

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(a) In a proceeding under this act, a petitioner seeking to establish ~~or modify~~ a support order, ~~or~~ to determine parentage ~~in a proceeding under this act or to register and modify a support order of another state~~ shall ~~verify the~~ file a petition. Unless otherwise ordered under W.S. 20-4-162, the petition or accompanying document shall provide, so far as known, the name, residential address and social security numbers of the obligor and the obligee or the parent and alleged parent, and the name, sex, residential address, social security number and date of birth of each child for ~~whom~~ whose benefit support is sought or whose parentage is to be determined. Unless filed at the time of registration, the petition shall be accompanied by a ~~certified~~ copy of any support order ~~in effect~~ known to have been issued by another tribunal. The petition or accompanying documents may include any other information that may assist in locating or identifying the respondent.

20-4-162. Nondisclosure of information in exceptional circumstances.

~~Upon a finding, which may be made ex parte,~~ If a party alleges in an affidavit or a pleading under oath that the health, safety or liberty of a party or child would be ~~unreasonably put at risk~~ jeopardized by ~~the~~ disclosure of specific identifying information, ~~or if an existing order so provides, a tribunal shall order that the address of the child or party or other identifying that~~ information shall be sealed and may not be disclosed ~~in a pleading or other document filed in a proceeding under this act to the other party or the public.~~ After a hearing in which a tribunal takes into consideration the health, safety or liberty of the party or child, the tribunal may order disclosure of information that the tribunal determines to be in the interest of justice.

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20-4-164. Limited immunity of petitioner.

(a) Participation by a petitioner in a proceeding under this act 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.

20-4-166. Special rules of evidence and procedure.

(a) The physical presence of ~~the petitioner~~ a nonresident party who is an individual 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,~~ An affidavit, a document substantially complying with federally mandated forms ~~and~~ or a document incorporated by reference in any of them, which would not be excluded under the hearsay rule if given in person, is admissible in evidence if given under oath penalty of perjury or false swearing by a party or witness residing in another state.

(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~~ record may not be excluded from evidence on an objection based on the means of transmission.

(f) In a proceeding under this act, a tribunal of this state ~~may~~ shall 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

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this state shall cooperate with tribunals of other states in designating an appropriate location for the deposition or testimony.

(k) A voluntary acknowledgment of paternity, certified as a true copy, is admissible to establish parentage of the child.

20-4-167. Communications between tribunals.

A tribunal of this state may communicate with a tribunal of another state or foreign country or political subdivision in ~~writing a record~~, or by telephone or other means, to obtain information concerning the laws, ~~of that state,~~ the legal affect of a judgment, decree or order of that tribunal, and the status of a proceeding in the other state or foreign country or political subdivision. A tribunal of this state may furnish similar information by similar means to a tribunal of another state or foreign country or political subdivision.

20-4-169. Receipt and disbursement of payments.

(a) 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.

(b) If neither the obligor, nor the obligee who is an individual, nor the child resides in this state, upon request from the support enforcement agency of this state or another state, a tribunal of this state shall:

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(i) Direct that the support payment be made to the support enforcement agency in the state in which the obligee is receiving services; and

(ii) Issue and send to the obligor's employer a conforming income withholding order or an administrative notice of change of payee, reflecting the redirected payments.

(c) The support enforcement agency of this state receiving redirected payments from another state pursuant to a law similar to subsection (b) of this section shall furnish to a requesting party or tribunal of the other state a certified statement by the custodian of the record of the amount and dates of all payments received.

20-4-170. Petition to establish support order.

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

~~(i) The respondent has signed a verified statement acknowledging parentage~~ A presumed father of the child;

~~(ii) The respondent has been determined by or pursuant to law to be the parent~~ Petitioning to have his paternity adjudicated; or

~~(iii) There is other clear and convincing evidence that the respondent is the child's parent.~~ Identified as the father of the child through genetic testing;

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(iv) An alleged father who has declined to submit to genetic testing;

(v) Shown by clear and convincing evidence to be the father of the child;

(vi) An acknowledged father as provided by W.S. 14-2-601 et seq.;

(vii) The mother of the child; or

(viii) An individual who has been ordered to pay child support in a previous proceeding and the order has not been reversed or vacated.

20-4-171. Employer's receipt of income withholding order of another state; employer's compliance with income withholding order of another state; compliance with multiple income withholding orders.

(a) An income withholding order issued in another state may be sent by or on behalf of the obligee, or by the support enforcement agency to the person ~~or entity~~ defined as the obligor's employer under W.S. 20-6-201 through 20-6-222 without first filing a petition or comparable pleading or registering the order with a tribunal of this state.

(e) Except as otherwise provided in subsections (f) and (g) of this section, the employer shall withhold and distribute the funds as directed in the withholding order by complying with terms of the order which specify:

(ii) The person ~~or agency~~ designated to receive payments and the address to which the payments are to be forwarded;

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(g) If an obligor's employer receives ~~multiple~~two (2) or more income withholding orders with respect to the earnings of the same obligor, the employer satisfies the terms of the ~~multiple~~ orders if the employer complies with the law of the state of the obligor's principal place of employment to establish the priorities for withholding and allocating income withheld for ~~multiple~~two (2) or more child support obligees.

20-4-172. Administrative enforcement of orders.

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

20-4-173. 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.

20-4-174. Procedure to register order for enforcement.

(a) A support order or an income withholding order of another state may be registered in this state by sending the following ~~documents~~records and information to the appropriate tribunal in this state:

(ii) Two (2) copies, including one (1) certified copy, of ~~all orders~~the order to be registered, including any modification of ~~an~~the order;

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(iii) A sworn statement by the ~~party seeking~~ person requesting registration or a certified statement by the custodian of the records showing the amount of any arrearage;

(v) Except as otherwise provided in W.S. 20-4-162, the name and address of the obligee and, if applicable, the ~~agency or~~ person to whom support payments are to be remitted.

(d) If two (2) or more orders are in effect, the person requesting registration shall:

(i) Furnish to the tribunal a copy of every support order asserted to be in effect in addition to the documents specified in this section;

(ii) Specify the order alleged to be the controlling order, if any; and

(iii) Specify the amount of consolidated arrearages, if any.

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

20-4-176. Choice of law.

(a) Except as otherwise provided in subsection (d) of this section, the law of the issuing state governs:

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(i) The nature, extent, amount and duration of current payments and other obligations of support and under a registered support order;

(ii) The computation and payment of arrearages and accrual of interest on the arrearages under the support order; and

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

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

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

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

20-4-177. Notice of registration of order.

(b) ~~The~~A notice shall inform the nonregistering party:

(c) If the registering party asserts that two (2) or more orders are in effect, a notice shall also:

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(i) Identify the two (2) or more orders and the order alleged by the registering person to be the controlling order and the consolidated arrearages, if any;

(ii) Notify the nonregistering party of the right to a determination of which is the controlling order;

(iii) State that the procedures provided in subsection (b) of this section apply to the determination of which is the controlling order; and

(iv) State that failure to contest the validity or enforcement of the order alleged to be the controlling order in a timely manner may result in confirmation that the order is the controlling order.

~~(e)~~(d) Upon registration of an income withholding order for enforcement, the registering tribunal shall notify the obligor's employer pursuant to W.S. 20-6-201 through 20-6-222.

20-4-179. 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 (1) or more of the following defenses:

(vi) Full or partial payment has been made; ~~or~~

(vii) The statute of limitations under W.S. 20-4-176 precludes enforcement of some or all of the arrearages; ~~or~~ or

(viii) The alleged controlling order is not the controlling order.

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20-4-182. 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 W.S. 20-4-183, 20-4-193 or 20-4-197 have been met.

20-4-183. Modification of child support order of another state.

(a) ~~After~~ If W.S. 20-4-193 does not apply, except as otherwise provided in W.S. 20-4-197, upon petition a tribunal of this state may modify a child support order issued in another state ~~has been which is~~ registered in this state, ~~the responding tribunal of this state may modify that order only if W.S. 20-4-193 does not apply and if,~~ after notice and hearing, it the tribunal finds that:

(ii) The following requirements are met:

(A) Neither the child, the individual obligee who is an individual and nor the obligor ~~do not reside~~ resides in the issuing state;

(iii) This state is the state of residence of the child, or a party who is an individual is subject to the personal jurisdiction of the tribunal of this state and all of the parties who are individuals have filed consents in a record in the issuing tribunal for a tribunal of this state to modify the support order and assume continuing, exclusive jurisdiction.

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(c) Except as otherwise provided in W.S. 20-4-197, 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. If two (2) or more tribunals have issued child support orders for the same obligor and same child, the order that controls and shall be so recognized under W.S. 20-4-148 establishes the aspects of the support order which are nonmodifiable.

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

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

20-4-184. Recognition of order modified in another state.

(a) If a child support order issued by a tribunal of this state ~~shall recognize a modification of its earlier child support order is modified~~ by a tribunal of another state which assumed jurisdiction pursuant to ~~this act or a law substantially similar to~~ the Uniform Interstate Family Support Act, and, upon request, except as otherwise provided in this act, shall a tribunal of this state:

(i) May enforce the its order that was modified only as to amounts arrearages and interest accruing before the modification;

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(iii) May provide ~~other~~ appropriate relief only for violations of ~~that its~~ order which occurred before the effective date of the modification; and

(iv) Shall recognize the modifying order of the other state, upon registration, for the purpose of enforcement.

20-4-185. Proceeding to determine parentage.

(a) A ~~tribunal~~ court of this state authorized to determine parentage of a child may serve as ~~an initiating or a~~ responding tribunal in a proceeding to determine parentage brought under the Uniform Interstate Family Support Act or a law or procedure substantially similar to this act. ~~, 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.~~

20-4-186. Grounds for rendition.

(b) The governor of this state may:

(ii) On the demand ~~by~~ of 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.

20-4-187. Conditions of rendition.

(b) If, under the Uniform Interstate Family Support Act or a law substantially similar to this act, ~~the Uniform Reciprocal Enforcement of Support Act or the Revised~~

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~~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.

20-4-188. Uniformity of application and construction.

~~The Uniform Interstate Family Support Act shall be applied and construed to effectuate its general purpose to make uniform~~
In applying and construing this act, consideration shall be given to the need to promote uniformity of the law with respect to ~~the~~its subject ~~of this act~~matter among states ~~enacting that enact~~ it.

20-4-192. Contest by obligor.

(a) An obligor may contest the validity or enforcement of an income withholding order issued in another state and received directly by an employer in this state by registering the order in a tribunal of this state and filing a contest to that order as provided in W.S.20-4-173 through 20-4-197, or otherwise contesting the order in the same manner as if the order had been issued by a tribunal of this state. ~~W.S. 20-4-176 applies to the contest.~~

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

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(ii) Each employer that has directly received an income withholding order relating to the obligor; and

(iii) The person ~~or agency~~ designated to receive payments in the income withholding order or if no person ~~or agency~~ is designated, to the obligee.

Section 3. W.S. 20-4-146(c) and (f), 20-4-147(c), 20-4-151(b), 20-4-183(a) (i), 20-4-184(a) (ii) and 20-4-185(b) are repealed.

Section 4. This act is effective July 1, 2005.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk