

WORKING DRAFT

HOUSE BILL NO. _____

Uniform Interstate Family Support Act.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

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

8

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

10

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

13

14 **20-4-195. Application of act to nonresident subject**
15 **to person jurisdiction.**

1

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

14

15 **20-4-196. Continuing exclusive jurisdiction to modify**
16 **spousal support order.**

17

18 (a) A tribunal of this state issuing a spousal
19 support order consistent with the law of this state has
20 continuing, exclusive jurisdiction to modify the spousal
21 support order throughout the existence of the support
22 obligation.

23

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

5

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

9

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

13

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

16

17 **20-4-197. Jurisdiction to modify child support order**
18 **of foreign country or political subdivision.**

19

20 (a) If a foreign country or political subdivision
21 that is a state will not or may not modify its order
22 pursuant to its laws, a tribunal of this state may assume
23 jurisdiction to modify the child support order and bind all
24 individuals subject to the personal jurisdiction of the

1 tribunal whether or not the consent to modification of a
2 child support order otherwise required of the individual
3 pursuant to W.S. 20-4-183 has been given or whether the
4 individual seeking modification is a resident of this state
5 or of the foreign country or political subdivision.

6

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

9

10 **Section 2.** W.S. 20-4-140(a)(vii), (xv), (xviii)(B),
11 (xix)(C) and (D) and by creating a new subparagraph (E),
12 (xx), (xxii) and by creating new paragraphs (xxv) and
13 (xxvi), 20-4-141, 20-4-142(a)(intro) and by creating a new
14 subsection (b), 20-4-143, 20-4-146(a), (b) and (d) and by
15 creating a new subsection (g), 20-4-147(a) and (b),
16 20-4-148(b)(intro), (ii) and (iii), (c) through (f) and by
17 creating new subsections (g) and (h), 20-4-149, 20-4-150,
18 20-4-151(c), 20-4-153, 20-4-154(a)(intro) and (b),
19 20-4-155(b)(intro) and (i) and by creating a new subsection
20 (f), 20-4-156, 20-4-157(b)(intro) and (iv) and by creating
21 new subsections (d) through (f), 20-4-158, 20-4-160(b)(ii)
22 and (iii), 20-4-161(a), 20-4-162, 20-4-164(a), 20-4-166(a),
23 (b), (e), (f) and by creating a new subsection (k),
24 20-4-167, 20-4-169, 20-4-170(b), 20-4-171(a)(intro),

1 (e) (intro) and (ii) and (g), 20-4-172(a), 20-4-173,
2 20-4-174(a) (intro) and (ii), (iii) and (v) and by creating
3 new subsections (d) and (e), 20-4-176, 20-4-177(b) (intro),
4 by creating a new subsection (c) and by renumbering (c) as
5 (d), 20-4-179(a) (vi), (vii) and by creating a new paragraph
6 (viii), 20-4-182, 20-4-183(a) (intro) and (ii) (A) and by
7 creating a new paragraph (iii), (c), by creating a new
8 subsection (d) and by amending and renumbering (d) as (e),
9 20-4-184(a) (intro) and (i), (iii) and (iv), 20-4-185(a),
10 20-4-186(b) (ii), 20-4-187(b), 20-4-188 and 20-4-192(a),
11 (b) (ii) and (iii) are amended to read:

12

13 **20-4-140. Definitions.**

14

15 (a) As used in this act:

16

17 (vii) "Initiating state" means a state from
18 which a proceeding is filed for forwarding to a responding
19 state under the Uniform Interstate Family Support Act or a
20 law or procedure substantially similar to this act; ~~the~~
21 ~~Uniform Reciprocal Enforcement of Support Act, or the~~
22 ~~Revised Uniform Reciprocal Enforcement of Support Act;~~

23

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

8

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

13

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

16

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

20

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

24

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

7

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

10

11 (C) Determination of parentage; ~~or~~

12

13 (D) ~~To locate~~ Location of obligors or their
14 assets; ~~or~~

15

16 (E) Determination of the controlling child
17 support order.

18

19 (xx) "Support order" means a judgment, decree,
20 ~~or~~ order or directive, whether temporary, final, or subject
21 to modification, issued by a tribunal for the benefit of a
22 child, a spouse, or a former spouse, which provides for
23 monetary support, health care, arrearages or reimbursement,

1 and may include related costs and fees, interest, income
2 withholding, attorney's fees, and other relief;

3
4 (xxii) "This act" means W.S. 20-4-139 through
5 ~~20-4-192~~ 20-4-197;

6
7 (xxv) "Person" means an individual, corporation,
8 business trust, estate, trust, partnership, limited
9 liability company, association, joint venture, government,
10 governmental subdivision, agency, or instrumentality,
11 public corporation or any other legal or commercial entity;

12
13 (xxvi) "Record" means information that is
14 inscribed on a tangible medium or that is stored in an
15 electronic or other medium and is retrievable in a
16 perceivable form.

17
18 **20-4-141. Remedies cumulative.**

19
20 (a) Remedies provided by the Uniform Interstate
21 Family Support Act are cumulative and do not affect the
22 availability of remedies under other law, including the
23 recognition of a support order of a foreign country or
24 political subdivision on the basis of comity.

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(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 the state to modify a child support order of

1 another state unless the requirements of W.S. 20-4-183 or
2 20-4-197 are met.

3
4 **20-4-143. Procedure when exercising jurisdiction over**
5 **nonresident.**

6
7 Personal jurisdiction acquired by a tribunal of this state
8 ~~exercising personal jurisdiction over a nonresident under~~
9 ~~W.S. 20-4-142 may apply to receive evidence from another~~
10 ~~state under W.S. 20-4-166 and to obtain discovery through a~~
11 ~~tribunal of another state under W.S. 20-4-168. In all other~~
12 ~~respects, W.S. 20-4-151 through 20-4-179 do not apply and~~
13 ~~the tribunal shall apply the procedural and substantive law~~
14 ~~of this state, including the rules on choice of law other~~
15 ~~than those established by the Uniform Interstate Family~~
16 ~~Support Act~~ in a proceeding under this act or other law of
17 this state relating to a support order continues as long as
18 a tribunal of this state has continuing, exclusive
19 jurisdiction to modify its order or continuing jurisdiction
20 to enforce its order as provided by W.S. 20-4-146, 20-4-147
21 and 20-4-196.

22
23 *****Staff Comment*****

24 **The National Conference of Commissioners on Uniform State**
25 **Laws (NCCUSL) recommended amending the nonsubstantive**

1 statutory section headings for W.S. 20-4-145 and 20-4-152,
2 but no substantive changes were recommended for the text of
3 those statutory section; therefore, the sections are not
4 included in this bill. If the bill is enacted into law,
5 LSO, exercising its editing authority under W.S. 28-8-
6 105(a)(v), will amend the section headings as recommended
7 by NCCUSL as follows:
8

9 "20-4-145. Simultaneous proceedings ~~in another state.~~"

10 "20-4-152. ~~Action Proceeding~~ by minor parent."
11

12
13 **20-4-146. Continuing exclusive jurisdiction.**
14

15 (a) A tribunal of this state ~~issuing that has issued~~
16 a child support order consistent with the law of this state
17 has, and shall exercise, continuing, exclusive jurisdiction
18 ~~over a~~ to modify its child support order if the order is
19 the controlling order and:
20

21 (i) ~~As long as~~ At the time of filing of a
22 request for modification, this state ~~remains~~ is the
23 residence of the obligor, the individual obligee or the
24 child for whose benefit the support order is issued; or
25

26 (ii) ~~Until all of the parties who are~~
27 ~~individuals have filed written consents with~~ Even if this
28 state is not the residence of the obligor, the individual
29 obligee or the child for whose benefit the support order is
30 issued, the parties consent in a record or in open court

1 ~~that~~ the tribunal of this state ~~for a tribunal of another~~
2 ~~state to modify the order and assume continuing, exclusive~~
3 may continue to exercise jurisdiction to modify its order.

4
5 (b) A tribunal of this state ~~issuing~~ that has issued
6 a child support order consistent with the law of this state
7 may not exercise ~~its~~ continuing, exclusive jurisdiction to
8 modify the order if: ~~the order has been modified by a~~
9 ~~tribunal of another state pursuant to a law substantially~~
10 ~~similar to the Uniform Interstate Family Support Act.~~

11
12 (i) All the parties who are individuals file
13 consent in a record with the tribunal of this state that a
14 tribunal of another state that has jurisdiction over at
15 least one (1) of the parties, who is an individual or that
16 is located in the state of residence of the child, may
17 modify the order and assume continuing, exclusive
18 jurisdiction; or

19
20 (ii) Its order is not the controlling order.

21
22 (d) ~~A tribunal of this state shall recognize the~~
23 ~~continuing, exclusive jurisdiction of~~ If a tribunal of
24 another state ~~which~~ has issued a child support order

1 pursuant to ~~this act~~ the Uniform Interstate Family Support
2 Act or a law substantially similar to ~~this~~ that act which
3 modifies a child support order of a tribunal of this state,
4 tribunals of this state shall recognize the continuing,
5 exclusive jurisdiction of the tribunal of the other state.

6
7 (g) A tribunal of this state that lacks continuing,
8 exclusive jurisdiction to modify a child support order may
9 serve as an initiating tribunal of another state to modify
10 a support order issued in that state.

11
12 **20-4-147. Continuing jurisdiction to enforce a child**
13 **support order.**

14
15 (a) A tribunal of this state that has issued a child
16 support order consistent with the law of this state may
17 serve as an initiating tribunal to request a tribunal of
18 another state to enforce: ~~or modify a support order issued~~
19 ~~in that state.~~

20
21 (i) The order if the order is the controlling
22 order and has not been modified by a tribunal of another
23 state that assumed jurisdiction pursuant to the Uniform
24 Interstate Family Support Act; or

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(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~~

1 ~~determining~~ and by order shall determine which order ~~to~~
2 ~~recognize~~ ~~for~~ ~~purposes~~ ~~of~~ ~~continuing,~~ ~~exclusive~~
3 ~~jurisdiction~~ controls:

4
5 (ii) If more than one (1) of the tribunals would
6 have continuing, exclusive jurisdiction under this act;;

7
8 (A) An order issued by a tribunal in the
9 current home state of the child controls; ~~and shall be so~~
10 ~~recognized,~~ but

11
12 (B) If an order has not been issued in the
13 current home state of the child, the order most recently
14 issued controls. ~~and shall be so recognized,~~

15
16 (iii) If none of the tribunals would have
17 continuing, exclusive jurisdiction under this act, the
18 tribunal of this state ~~having jurisdiction over the parties~~
19 shall issue a child support order, which controls. and
20 ~~shall be so recognized.~~

21
22 (c) If two (2) or more child support orders have been
23 issued for the same obligor and same child, and if the
24 ~~obligor or the individual obligee resides in this state,~~

1 upon request of a party ~~may request~~ who is an individual or
2 a support enforcement agency, a tribunal of this state ~~to~~
3 having personal jurisdiction over both the obligor and the
4 obligee who is an individual shall determine which order
5 controls ~~and shall be so recognized~~ under subsection (b) of
6 this section. This request ~~shall be accompanied by a~~
7 ~~certified copy of every support order in effect.~~ The
8 ~~requesting party shall give notice of the request to each~~
9 ~~party whose rights may be affected by the determination.~~
10 may be filed with a registration for enforcement or
11 registration for modification pursuant to W.S. 20-4-173
12 through 20-4-184, 20-4-193, 20-4-194 and 20-4-197, or may
13 be filed as a separate proceeding.

14

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

19

20 (e) A tribunal of this state ~~which~~ that determines by
21 order ~~the identity of~~ which is the controlling order under
22 paragraph (b) (i) or (ii) or subsection (c) of this section
23 or ~~which~~ that issues a new controlling order under

1 paragraph (b)(iii) of this section shall state in that
2 order:

3

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

6

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

9

10 (iii) The total amount of consolidated
11 arrearages and accrued interest, if any, under all of the
12 orders after all payments made are credited as provided by
13 20-4-150.

14

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

1

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

7

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

13

14 **20-4-149. Child support orders for two or more**
15 **obligees.**

16

17 In responding to ~~multiple~~ registrations or petitions for
18 enforcement of two (2) or more child support orders in
19 effect at the same time with regard to the same obligor and
20 different individual obligees, at least one (1) of which
21 was issued by a tribunal of another state, a tribunal of
22 this state shall enforce those orders in the same manner as
23 if the multiple orders had been issued by a tribunal of
24 this state.

1

2

20-4-150. Credit for payments.

3

4

~~Amounts~~ A tribunal of this state shall credit amounts

5

collected ~~and credited~~ for a particular period pursuant to

6

~~a~~ any child support order against the amounts owed for the

7

same period under any other child support order for support

8

of the same child issued by a tribunal of this or another

9

state. ~~shall be credited against the amounts accruing or~~

10

~~accrued for the same period under a support order issued by~~

11

~~the tribunal of this state.~~

12

13

20-4-151. Proceedings under the Uniform Interstate

14

Family Support Act.

15

16

(c) An individual petitioner or a support enforcement

17

agency may ~~commence~~ initiate a proceeding authorized under

18

the act by filing a petition in an initiating tribunal for

19

forwarding to a responding tribunal or by filing a petition

20

or a comparable pleading directly in a tribunal of another

21

state which has or can obtain personal jurisdiction over

22

the respondent.

23

24

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

1

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

5

6 (i) ~~Shall~~ Apply the procedural and substantive
7 law, ~~including the rules on choice of law~~, generally
8 applicable to similar proceedings originating in this state
9 and may exercise all powers and provide all remedies
10 available in those proceedings; and

11

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

15

16 **20-4-154. Duties of initiating tribunal.**

17

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

22

23 (b) If ~~a responding state has not enacted this act or~~
24 ~~a law or procedure substantially similar to this act,~~

1 requested by the responding tribunal, a tribunal of this
2 state ~~may~~ shall issue a certificate or other document and
3 make findings required by the law of the responding state.
4 If the responding state is a foreign ~~jurisdiction~~ country
5 or political subdivision, upon request the tribunal ~~may~~
6 shall specify the amount of support sought, convert that
7 amount into the equivalent amount in the foreign currency
8 under applicable official or market exchange rate as
9 publicly reported and provide any other documents necessary
10 to satisfy the requirements of the responding state.

11

12 **20-4-155. Duties and power of responding tribunal.**

13

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

17

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

21

22 (f) If requested to enforce a support order,
23 arrearages or judgment, or modify a support order stated in
24 a foreign currency, a tribunal of this state shall convert

1 the amount stated in the foreign currency to the equivalent
2 amount in dollars under the applicable official or market
3 exchange rate as publicly reported.

4
5 **20-4-156. Inappropriate tribunal.**

6
7 If a petition or comparable pleading is received by an
8 inappropriate tribunal of this state, ~~it~~the tribunal shall
9 forward the pleading and accompanying document to an
10 appropriate tribunal in this state or another state and
11 notify the petitioner where and when the pleading was sent.

12
13 **20-4-157. Duties of support enforcement agency.**

14
15 (b) A support enforcement agency of this state that
16 is providing services to the petitioner ~~as appropriate~~
17 shall:

18
19 (iv) Within five (5) days, exclusive of
20 Saturdays, Sundays and legal holidays, after receipt of a
21 written notice in a record from an initiating, responding
22 or registering tribunal, send a copy of the notice to the
23 petitioner;

24

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

6
7 (d) A support enforcement agency of this state that
8 requests registration of a child support order in this
9 state for enforcement or for modification shall make
10 reasonable efforts:

11
12 (i) To ensure that the order to be registered is
13 the controlling order; or

14
15 (ii) If two (2) or more child support orders
16 exist and the identity of the controlling order has not
17 been determined, to ensure that a request for a
18 determination is made in a tribunal having jurisdiction to
19 do so.

20
21 (e) A support enforcement agency of this state that
22 requests registration and enforcement of a support order,
23 arrearages or judgment stated in a foreign currency shall
24 convert the amounts stated in the foreign currency into the

1 equivalent amounts in dollars under the applicable official
2 or market exchange rate as publicly reported.

3
4 (f) A support enforcement agency of this state shall
5 request a tribunal of this state to issue a child support
6 order and an income withholding order that redirect payment
7 of current support, arrearages and interest if requested to
8 do so by a support enforcement agency of another state
9 pursuant to W.S. 20-4-169.

10
11 **20-4-158. Duty of attorney general.**

12
13 (a) If the state attorney general determines that the
14 support enforcement agency is neglecting or refusing to
15 provide services to an individual, the attorney general may
16 order the agency to perform its duties under this act or
17 may provide those services directly to the individual.

18
19 (b) The attorney general may determine that a foreign
20 country or political subdivision has established a
21 reciprocal arrangement for child support with this state
22 and take appropriate action for notification of the
23 determination.

24

1 **20-4-160. Duties of state information agency.**

2

3 (b) The state information agency shall:

4

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

8

9 (iii) Forward to the appropriate tribunal in the
10 place~~county~~ in this state in which the individual obligee
11 who is an individual or the obligor resides, or in which
12 the obligor's property is believed to be located, all
13 documents concerning a proceeding under this act received
14 from an initiating tribunal or the state information agency
15 of the initiating state; and

16

17 **20-4-161. Pleadings and accompanying documents.**

18

19 (a) In a proceeding under this act, a petitioner
20 seeking to establish ~~or modify~~ a support order, or to
21 determine parentage ~~in a proceeding under this act or to~~
22 register and modify a support order of another state shall
23 ~~verify the~~ file a petition. Unless otherwise ordered under
24 W.S. 20-4-162, the petition or accompanying document shall

1 provide, so far as known, the name, residential address and
2 social security numbers of the obligor and the obligee or
3 the parent and alleged parent, and the name, sex,
4 residential address, social security number and date of
5 birth of each child for ~~whom~~ whose benefit support is
6 sought or whose parentage is to be determined. Unless
7 filed at the time of registration, the petition shall be
8 accompanied by a ~~certified~~ copy of any support order ~~in~~
9 ~~effect~~ known to have been issued by another tribunal. The
10 petition or accompanying documents may include any other
11 information that may assist in locating or identifying the
12 respondent.

13

14 **20-4-162. Nondisclosure of information in exceptional**
15 **circumstances.**

16

17 ~~Upon a finding, which may be made ex parte,~~ If a party
18 alleges in an affidavit or a pleading under oath that the
19 health, safety or liberty of a party or child would be
20 ~~unreasonably put at risk~~ jeopardized by ~~the~~ disclosure of
21 specific identifying information, ~~or if an existing order~~
22 ~~so provides, a tribunal shall order that the address of the~~
23 ~~child or party or other identifying~~ that information shall
24 be sealed and may not be disclosed ~~in a pleading or other~~

1 ~~document filed in a proceeding under this act.~~ to the other
2 party or the public. After a hearing in which a tribunal
3 takes into consideration the health, safety or liberty of
4 the party or child, the tribunal may order disclosure of
5 information that the tribunal determines to be in the
6 interest of justice.

7
8 **20-4-164. Limited immunity of petitioner.**

9
10 (a) Participation by a petitioner in a proceeding
11 under this act before a responding tribunal, whether in
12 person, by private attorney, or through services provided
13 by the support enforcement agency, does not confer personal
14 jurisdiction over the petitioner in another proceeding.

15
16 **20-4-166. Special rules of evidence and procedure.**

17
18 (a) The physical presence of ~~the petitioner~~ a
19 nonresident party who is an individual in a ~~responding~~
20 tribunal of this state is not required for the
21 establishment, enforcement or modification of a support
22 order or the rendition of a judgment determining parentage.

23

1 (b) ~~A verified petition,~~ An affidavit, a document
2 substantially complying with federally mandated forms ~~and~~
3 or a document incorporated by reference in any of them,
4 which would not be excluded under the hearsay rule if given
5 in person, is admissible in evidence if given under ~~eath~~
6 penalty of perjury or false swearing by a party or witness
7 residing in another state.

8

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

14

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

23

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

4
5 **20-4-167. Communications between tribunals.**

6
7 A tribunal of this state may communicate with a tribunal of
8 another state or foreign country or political subdivision
9 in ~~writing a record~~, or by telephone or other means, to
10 obtain information concerning the laws, ~~of that state,~~ the
11 legal affect of a judgment, decree or order of that
12 tribunal, and the status of a proceeding in the other state
13 or foreign country or political subdivision. A tribunal of
14 this state may furnish similar information by similar means
15 to a tribunal of another state or foreign country or
16 political subdivision.

17
18 **20-4-169. Receipt and disbursement of payments.**

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

1 the record of the amounts and dates of all payments
2 received.

3

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

8

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

12

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

17

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

24

1 **20-4-170. Petition to establish support order.**

2

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

6

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

10

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

14

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

19

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

22

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

1

2

3

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

4

5

(vii) The mother of the child; or

6

7

8

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

9

10

11

12

13

14

15

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.

16

17

18

19

20

21

22

23

(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.

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

5
6 (ii) The person ~~or agency~~ designated to receive
7 payments and the address to which the payments are to be
8 forwarded;

9
10 (g) If an obligor's employer receives ~~multiple~~two
11 (2) or more income withholding orders with respect to the
12 earnings of the same obligor, the employer satisfies the
13 terms of the ~~multiple~~ orders if the employer complies with
14 the law of the state of the obligor's principal place of
15 employment to establish the priorities for withholding and
16 allocating income withheld for ~~multiple~~two (2) or more
17 child support obligees.

18
19 **20-4-172. Administrative enforcement of orders.**

20
21 (a) A party or support enforcement agency seeking to
22 enforce a support order or an income withholding order, or
23 both, issued by a tribunal of another state may send the

1 documents required for registering the order to a support
2 enforcement agency of this state.

3

4 **20-4-173. Registration of order for enforcement.**

5

6 A support order or ~~an~~ income withholding order issued by a
7 tribunal of another state may be registered in this state
8 for enforcement.

9

10 **20-4-174. Procedure to register order for**
11 **enforcement.**

12

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

17

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

21

22 (iii) A sworn statement by the ~~party seeking~~
23 person requesting registration or a certified statement by

1 the custodian of the records showing the amount of any
2 arrearage;

3

4 (v) Except as otherwise provided in W.S. 20-4-
5 162, the name and address of the obligee and, if
6 applicable, the ~~agency or~~ person to whom support payments
7 are to be remitted.

8

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

11

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

15

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

18

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

21

22 (e) A request for a determination of which is the
23 controlling order may be filed separately or with a request
24 for registration and enforcement or for registration and

1 modification. The person requesting registration shall give
2 notice of the request to each party whose rights may be
3 affected by the determination.

4
5 **20-4-176. Choice of law.**

6
7 (a) Except as otherwise provided in subsection (d) of
8 this section, the law of the issuing state governs:

9
10 (i) The nature, extent, amount and duration of
11 current payments ~~and other obligations of support and~~ under
12 a registered support order;

13
14 (ii) The computation and payment of arrearages
15 and accrual of interest on the arrearages under the support
16 order; ~~and~~

17
18 (iii) The existence and satisfaction of other
19 obligations under the support order.

20
21 (b) In a proceeding for arrearages under a registered
22 support order, the statute of limitation ~~under the laws~~ of
23 this state or of the issuing state, whichever is longer,
24 applies.

1

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

6

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

14

15 **20-4-177. Notice of registration of order.**

16

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

19

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

22

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

4
5 (ii) Notify the nonregistering party of the
6 right to a determination of which is the controlling order;

7
8 (iii) State that the procedures provided in
9 subsection (b) of this section apply to the determination
10 of which is the controlling order; and

11
12 (iv) State that failure to contest the validity
13 or enforcement of the order alleged to be the controlling
14 order in a timely manner may result in confirmation that
15 the order is the controlling order.

16
17 ~~(e)~~(d) Upon registration of an income withholding
18 order for enforcement, the registering tribunal shall
19 notify the obligor's employer pursuant to W.S. 20-6-201
20 through 20-6-222.

21
22 **20-4-179. Contest of registration or enforcement.**

23

1 (a) A party contesting the validity or enforcement of
2 a registered order or seeking to vacate the registration
3 has the burden of proving one (1) or more of the following
4 defenses:

5

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

7

8 (vii) The statute of limitations under W.S. 20-
9 4-176 precludes enforcement of some or all of the
10 arrearages; ~~or~~

11

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

14

15 **20-4-182. Effect of registration for modification.**

16

17 A tribunal of this state may enforce a child support order
18 of another state registered for purposes of modification,
19 in the same manner as if the order had been issued by a
20 tribunal of this state, but the registered order may be
21 modified only if the requirements of W.S. 20-4-183, 20-4-
22 193 or 20-4-197 have been met.

23

1 **20-4-183. Modification of child support order of**
2 **another state.**

3
4 (a) ~~After~~ If W.S. 20-4-193 does not apply, except as
5 otherwise provided in W.S. 20-4-197, upon petition a
6 tribunal of this state may modify a child support order
7 issued in another state ~~has been~~ which is registered in
8 this state, ~~the responding tribunal of this state may~~
9 ~~modify that order only if W.S. 20-4-193 does not apply and~~
10 if, after notice and hearing, ~~it~~ the tribunal finds that:

11
12 (ii) The following requirements are met:

13
14 (A) Neither the child, the individual
15 obligee who is an individual and nor the obligor ~~do not~~
16 ~~reside~~ resides in the issuing state;

17
18 (iii) This state is the state of residence of
19 the child, or a party who is an individual is subject to
20 the personal jurisdiction of the tribunal of this state and
21 all of the parties who are individuals have filed consents
22 in a record in the issuing tribunal for a tribunal of this
23 state to modify the support order and assume continuing,
24 exclusive jurisdiction.

1

2 (c) Except as otherwise provided in W.S. 20-4-197, a
3 tribunal of this state may not modify any aspect of a child
4 support order that may not be modified under the law of the
5 issuing state. If two (2) or more tribunals have issued
6 child support orders for the same obligor and same child,
7 the order that controls and shall be so recognized under
8 W.S. 20-4-148 establishes the aspects of the support order
9 which are nonmodifiable.

10

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

18

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

23

1 **20-4-184. Recognition of order modified in another**
2 **state.**

3
4 (a) If a child support order issued by a tribunal of
5 this state ~~shall recognize a modification of its earlier~~
6 ~~child support order is modified~~ by a tribunal of another
7 state which assumed jurisdiction pursuant to ~~this act or a~~
8 ~~law substantially similar to~~ the Uniform Interstate Family
9 Support Act, ~~and, upon request, except as otherwise~~
10 ~~provided in this act, shall~~ a tribunal of this state:

11
12 (i) May enforce the its order that was modified
13 only as to ~~amounts~~ arrearages and interest accruing before
14 the modification;

15
16 (iii) May provide ~~other~~ appropriate relief ~~only~~
17 for violations of ~~that its~~ order which occurred before the
18 effective date of the modification; and

19
20 (iv) Shall recognize the modifying order of the
21 other state, upon registration, for the purpose of
22 enforcement.

23
24 **20-4-185. Proceeding to determine parentage.**

1

2 (a) A ~~tribunal~~court of this state authorized to
3 determine parentage of a child may serve as ~~an initiating~~
4 ~~or~~a responding tribunal in a proceeding to determine
5 parentage brought under the Uniform Interstate Family
6 Support Act or a law or procedure substantially similar to
7 this act.~~, the Uniform Reciprocal Enforcement of Support~~
8 ~~Act or the Revised Uniform Reciprocal Enforcement of~~
9 ~~Support Act to determine that the petitioner is a parent of~~
10 ~~a particular child or to determine that a respondent is a~~
11 ~~parent of that child.~~

12

13 **20-4-186. Grounds for rendition.**

14

15 (b) The governor of this state may:

16

17 (ii) On the demand ~~by~~of the governor of another
18 state surrender an individual found in this state who is
19 charged criminally in the other state with having failed to
20 provide for the support of an obligee.

21

22 **20-4-187. Conditions of rendition.**

23

1 (b) If, under the Uniform Interstate Family Support
2 Act or a law substantially similar to this act, ~~the Uniform~~
3 ~~Reciprocal Enforcement of Support Act or the Revised~~
4 ~~Uniform Reciprocal Enforcement of Support Act,~~ the governor
5 of another state makes a demand that the governor of this
6 state surrender an individual charged criminally in that
7 state with having failed to provide for the support of a
8 child or other individual to whom a duty of support is
9 owed, the governor may require a prosecutor to investigate
10 the demand and report whether a proceeding for support has
11 been initiated or would be effective. If it appears that a
12 proceeding would be effective but has not been initiated,
13 the governor may delay honoring the demand for a reasonable
14 time to permit the initiation of a proceeding.

15

16 **20-4-188. Uniformity of application and construction.**

17

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

24

1 **20-4-192. Contest by obligor.**

2

3 (a) An obligor may contest the validity or
4 enforcement of an income withholding order issued in
5 another state and received directly by an employer in this
6 state by registering the order in a tribunal of this state
7 and filing a contest to that order as provided in W.S.20-4-
8 173 through 20-4-197, or otherwise contesting the order in
9 the same manner as if the order had been issued by a
10 tribunal of this state. ~~W.S. 20-4-176 applies to the~~
11 ~~contest.~~

12

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

14

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

17

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

21

22 **Section 3.** W.S. 20-4-146(c) and (f), 20-4-147(c),
23 20-4-151(b), 20-4-183(a)(i), 20-4-184(a)(ii) and
24 20-4-185(b) are repealed.

1

2

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

3

4

(END)