

CHAPTER 970

H.B. No. 831

AN ACT

relating to the Uniform Interstate Family Support Act.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Chapter 21, Family Code, is amended to read as follows:

CHAPTER 21. ~~[REVISED]~~ UNIFORM INTERSTATE FAMILY
~~[RECIPROCAL ENFORCEMENT OF]~~ SUPPORT ACT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 21.01. *DEFINITIONS. In this chapter:*

(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 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 directed to an obligor's employer, as provided by Section 14.43 of this code, to withhold support from the income of the obligor.

(7) "Initiating state" means a state in which a proceeding under this chapter or a law substantially similar to this chapter, 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:

(A) 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;

(B) a state or political subdivision to which the rights under a duty of support or support order have been assigned or that has independent claims based on financial assistance provided to an individual obligee; or

(C) an individual seeking a judgment determining parentage of the individual's child.

(13) "Obligor" means an individual, or the estate of a decedent:

(A) who owes or is alleged to owe a duty of support;

(B) who is alleged but has not been adjudicated to be a parent of a child; or

(C) who is liable under a support order.

(14) "Register" means to file a support order or judgment determining parentage in the registry 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 chapter or a law substantially similar to this chapter, 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 that are substantially similar to the procedures under this chapter.

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

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

(B) establishment or modification of child support;

(C) determination of parentage; or

(D) to locate obligors or their assets.

"Support enforcement agency" does not include a domestic relations office unless that office has entered into a cooperative agreement with the office of the attorney general to perform duties under this chapter.

(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, that 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.

Sec. 21.02. **TRIBUNAL OF THIS STATE.** The court is the tribunal of this state.

Sec. 21.03. **REMEDIES CUMULATIVE.** Remedies provided by this chapter are cumulative and do not affect the availability of remedies under other law.

SUBCHAPTER B. JURISDICTION

Sec. 21.04. **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 citation 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.*

Sec. 21.05. PROCEDURE WHEN EXERCISING JURISDICTION OVER NONRESIDENT. *A tribunal of this state exercising personal jurisdiction over a nonresident under Section 21.04 of this code may apply Section 21.28 of this code to receive evidence from another state and Section 21.30 of this code to obtain discovery through a tribunal of another state. In all other respects, Subchapters C through G of this chapter 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 chapter.*

Sec. 21.06. INITIATING AND RESPONDING TRIBUNAL OF THIS STATE. *Under this chapter, 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.*

Sec. 21.07. 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 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.*

Sec. 21.08. 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 chapter.*

(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 chapter, 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 that 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 that issued a child support order pursuant to a law substantially similar to this chapter.

(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.

Sec. 21.09. 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 tribunal's continuing, exclusive jurisdiction of the tribunal no longer resides in the issuing state, in subsequent proceedings the tribunal may apply Section 21.28 of this code to receive evidence from another state and Section 21.30 of this code to obtain discovery through a tribunal of another state.

(c) A tribunal of this state that 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.

Sec. 21.10. RECOGNITION OF CHILD SUPPORT ORDERS. (a) If a proceeding is brought under this chapter, 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 chapter, 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 chapter, 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; and

(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 chapter, 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.

Sec. 21.11. MULTIPLE CHILD SUPPORT ORDERS FOR TWO OR MORE OBLIGEEES. 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 obligees, 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.

Sec. 21.12. 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.

SUBCHAPTER C. CIVIL PROVISIONS OF GENERAL APPLICATION

Sec. 21.13. PROCEEDINGS UNDER THIS CHAPTER. (a) Except as otherwise provided in this chapter, this subchapter applies to all proceedings under this chapter.

(b) This chapter provides for the following proceedings:

(1) establishment of an order for spousal support or child support pursuant to Subchapter D of this chapter;

(2) enforcement of a support order and income-withholding order of another state without registration pursuant to Subchapter E of this chapter;

(3) registration of an order for spousal support or child support of another state for enforcement pursuant to Subchapter F of this chapter;

(4) modification of an order for child support or spousal support issued by a tribunal of this state pursuant to Sections 21.06 through 21.08 of this code;

(5) registration of an order for child support of another state for modification pursuant to Subchapter F of this chapter;

(6) determination of parentage pursuant to Subchapter G of this chapter; and

(7) assertion of jurisdiction over nonresidents pursuant to Sections 21.04 and 21.05 of this code.

(c) An individual or a support enforcement agency may commence a proceeding authorized under this chapter 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 that has or can obtain personal jurisdiction over the respondent.

Sec. 21.14. 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.

Sec. 21.15. APPLICATION OF LAW OF THIS STATE. Except as otherwise provided by this chapter, 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.

Sec. 21.16. DUTIES OF INITIATING TRIBUNAL. Upon the filing of a petition authorized by this chapter, 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.

Sec. 21.17. 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 21.13(c) of this code, 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 provided, however, such liens shall not arise or attach to real property until recorded in the real property records of the county where the real property of the obligor is located and shall be subordinate to the rights of prior bona fide purchasers and lienholders on the real 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 or *capias* for an obligor who has failed after proper notice to appear at a hearing ordered by the tribunal and enter the bench warrant or *capias* 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 chapter, 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 chapter on compliance by a party with provisions for visitation.

(e) If a responding tribunal of this state issues an order under this chapter, 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.

Sec. 21.18. 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.

Sec. 21.19. DUTIES OF SUPPORT ENFORCEMENT AGENCY. (a) A support enforcement agency of this state, on request, shall provide services to a petitioner in a proceeding under this chapter.

(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 chapter 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.*

Sec. 21.20. 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 chapter or may provide those services directly to the individual.*

Sec. 21.21. PRIVATE COUNSEL. *An individual may employ private counsel to represent the individual in proceedings authorized by this chapter.*

Sec. 21.22. DUTIES OF STATE INFORMATION AGENCY. (a) *The attorney general's office is the state information agency under this chapter.*

(b) *The state information agency shall:*

(1) *compile and maintain a current list, including addresses, of the tribunals in this state that have jurisdiction under this chapter 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 where the individual obligee or the obligor resides, or where the obligor's property is believed to be located, all documents concerning a proceeding under this chapter 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.*

Sec. 21.23. PLEADINGS AND ACCOMPANYING DOCUMENTS. (a) *A petitioner seeking to establish or modify a support order or to determine parentage in a proceeding under this chapter must verify the petition. Unless otherwise ordered under Section 21.24 of this code, the petition or accompanying documents must provide, so far as known, the name, residential address, 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.*

Sec. 21.24. NONDISCLOSURE OF INFORMATION IN EXCEPTIONAL CIRCUMSTANCES. *On 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 chapter.*

Sec. 21.25. COSTS AND FEES. (a) *An initiating court may require payment of either a filing fee or other costs from the obligee and may request the responding court to collect fees and costs from the obligor. The clerk of the responding court may require payment of a filing fee or other costs from the obligee.*

(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 Subchapter F of this code, a hearing is presumed to have been requested primarily for delay if a registered support order is confirmed or enforced without change.

Sec. 21.26. 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 chapter.

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

Sec. 21.27. 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 chapter.

Sec. 21.28. 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 10 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 chapter, 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 chapter.

(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 chapter.

Sec. 21.29. 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.

Sec. 21.30. *ASSISTANCE WITH DISCOVERY.* A tribunal of this state may:

- (1) request a tribunal of another state to assist in obtaining discovery; and
- (2) on request, compel a person over whom it has jurisdiction to respond to a discovery order issued by a tribunal of another state.

Sec. 21.31. *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.

SUBCHAPTER D. ESTABLISHMENT OF SUPPORT ORDER

Sec. 21.32. *PETITION TO ESTABLISH SUPPORT ORDER.* (a) If a support order entitled to recognition under this chapter has not been issued, a responding tribunal of this state 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) On 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 21.17 of this code.

SUBCHAPTER E. DIRECT ENFORCEMENT OF ORDER OF ANOTHER STATE WITHOUT REGISTRATION

Sec. 21.33. *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 obligor's employer under Section 14.43 of this code without first filing a petition or comparable pleading or registering the order with a tribunal of this state. On receipt of the order, the employer shall:

- (1) treat an income-withholding order issued in another state that 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 21.38 of this code 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.

Sec. 21.34. *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) On 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 chapter.

SUBCHAPTER F. ENFORCEMENT AND MODIFICATION OF SUPPORT ORDER AFTER REGISTRATION

Sec. 21.35. 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.

Sec. 21.36. 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:
 - (A) the obligor's address and social security number;
 - (B) the name and address of the obligor's employer and any other source of income of the obligor; and
 - (C) 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.

Sec. 21.37. 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 subchapter, a tribunal of this state shall recognize and enforce, but may not modify, a registered order if the issuing tribunal had jurisdiction.

Sec. 21.38. 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 only if a party provides the court with jurisdiction over an action in this state a certified copy of the applicable law of that state. Otherwise, the law of this state applies.

(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.

Sec. 21.39. 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 20 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) On registration of an income-withholding order for enforcement, the registering tribunal shall notify the obligor's employer pursuant to Section 14.43 of this code.

Sec. 21.40. 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 20 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 21.41 of this code.

(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.

Sec. 21.41. 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 21.38 of this code 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.

Sec. 21.42. 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.

Sec. 21.43. 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 Sections 21.35 through 21.38 of this code 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.

Sec. 21.44. 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 21.45 of this code have been met.

Sec. 21.45. 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:

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

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

(C) 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 30 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 that had continuing, exclusive jurisdiction over the earlier order, and in each tribunal in which the party knows that earlier order has been registered.

Sec. 21.46. 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 that assumed jurisdiction pursuant to a law substantially similar to this chapter and, on request, except as otherwise provided in this chapter, 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 that occurred before the effective date of the modification; and

(4) recognize the modifying order of the other state, on registration, for the purpose of enforcement.

SUBCHAPTER G. DETERMINATION OF PARENTAGE

Sec. 21.47. PROCEEDING TO DETERMINE PARENTAGE. (a) A tribunal of this state may serve as an initiating or responding tribunal in a proceeding brought under this chapter or a law substantially similar to this chapter, 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 procedural and substantive law of this state and the rules of this state on choice of law.

SUBCHAPTER H. INTERSTATE RENDITION

Sec. 21.48. GROUNDS FOR RENDITION. (a) In this subchapter, "governor" includes an individual performing the functions of governor or the executive authority of a state covered by this chapter.

(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 chapter 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.

Sec. 21.49. 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 may require a prosecutor of this state to demonstrate that at least 60 days previously the obligee had initiated proceedings for support pursuant to this chapter or that initiating the proceeding would be of no avail.

(b) If, under this chapter or a law substantially similar to this chapter, 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.

SUBCHAPTER I. MISCELLANEOUS PROVISIONS

Sec. 21.50. UNIFORMITY OF APPLICATION AND CONSTRUCTION. This chapter shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among states enacting it.

Sec. 21.51. SHORT TITLE. This chapter may be cited as the Uniform Interstate Family Support Act.

Sec. 21.52. SEVERABILITY CLAUSE. If any provision of this chapter or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this chapter that can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

~~[Sec. 21.01. PURPOSES. The purposes of this chapter are to improve and extend by reciprocal legislation the enforcement of duties of support.~~

~~[Sec. 21.02. DEFINITIONS. In this chapter:~~

~~[(1) "Court" means the district court of this state or any other court authorized to order support for children and, when the context requires, means the court of any other state as defined in a substantially similar reciprocal law.~~

~~[(2) "Custody" includes the managing conservatorship of a child.~~

~~[(3) "Duty of support" includes any duty of support imposed or imposable by law, including duties imposed by Chapter 12 or 13 of this code, or by any court order, decree, or judgment, whether interlocutory or final, whether incidental to a proceeding for divorce, judicial separation, separate maintenance, or otherwise, but does not include alimony for a former wife except in proceedings brought pursuant to Part D of Title IV of the federal Social Security Act (42 U.S.C. Section 651 et seq.), requiring that an alimony award is entitled to interstate enforcement if awarded to an obligee with whom the absent parent's child is living, and only if the support obligation established with respect to the child is being enforced.~~

~~[(4) "Governor" includes any person performing the functions of the governor or the executive authority of any state covered by this chapter.~~

~~[(5) "Initiating state" means a state in which a proceeding pursuant to this or a substantially similar reciprocal law is commenced. "Initiating court" means the court in which a proceeding is commenced.~~

~~[(6) "Law" includes both common and statutory law.~~

~~[(7) "Obligee" means a person, including a state or political subdivision, to whom a duty of support is owed or a person, including a state or political subdivision, that has commenced a proceeding for enforcement of an alleged duty of support or for registration of a support order. It is immaterial if the person to whom a duty of support is owed is a recipient of public assistance.~~

~~[(8) "Obligor" means any person owing a duty of support or against whom a proceeding for the enforcement of a duty of support or registration of a support order is commenced.~~

~~[(9) "Prosecuting attorney" means the public official in the appropriate place who has the duty to enforce criminal laws relating to the failure to provide for the support of any person, or an attorney designated by the court, by a county attorney, by any local child support enforcement office, or by the attorney general of Texas.~~

~~[(10) "Register" means to file in the registry of foreign support orders.~~

~~[(11) "Registering court" means any court of this state in which a support order of a rendering state is registered.~~

~~[(12) "Rendering state" means a state in which the court has issued a support order for which registration is sought or granted in the court of another state.~~

~~[(13) "Responding state" means a state in which any responsive proceeding pursuant to the proceeding in the initiating state is commenced. "Responding court" means the court in which the responsive proceeding is commenced.~~

~~[(14) "State" includes a state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any foreign jurisdiction in which this or a substantially similar reciprocal law is in effect.~~

~~[(15) "Support order" means any judgment, decree, or order of support in favor of an obligee whether temporary or final, or subject to modification, revocation, or remission, regardless of the kind of action or proceeding in which it is entered.~~

~~[Sec. 21.03. REMEDIES ADDITIONAL TO THOSE NOW EXISTING. The remedies herein provided are in addition to and not in substitution for any other remedies even though prior orders of support exist in this state or any other jurisdiction.~~

~~[Sec. 21.04. EXTENT OF DUTIES OF SUPPORT. Duties of support arising under the law of this state, if applicable under Section 21.07 of this code, bind the obligor present in this state regardless of the presence or residence of the obligee.~~

[SUBCHAPTER B. CRIMINAL ENFORCEMENT

~~[Sec. 21.05. INTERSTATE RENDITION. The governor of this state may:~~

~~(1) demand of the governor of another state the surrender of a person found in that state who is charged criminally in this state with failing to provide for the support of any person; or~~

~~(2) surrender on demand by the governor of another state a person found in this state who is charged criminally in that state with failing to provide for the support of any person.~~

Provisions for extradition of criminals not inconsistent with this chapter apply to the demand even if the person whose surrender is demanded was not in the demanding state at the time of the commission of the crime and has not fled therefrom. The demand, the oath, and any proceedings for extradition pursuant to this section need not state or show that the person whose surrender is demanded has fled from justice or at the time of the commission of the crime was in the demanding state.

~~[Sec. 21.06. CONDITIONS OF INTERSTATE RENDITION. (a) Before making the demand on the governor of another state for the surrender of a person charged criminally in this state with failing to provide for the support of a person, the governor of this state may require any prosecuting attorney of this state to satisfy him that at least 60 days before the date of the demand the obligee initiated proceedings for support under this chapter or that any proceeding would be of no avail.~~

~~[(b) If, under a statute substantially similar to this chapter, the governor of another state makes a demand on the governor of this state for the surrender of a person charged criminally in that state with failure to provide for the support of a person, the governor may require any prosecuting attorney to investigate the demand and to report to him whether proceedings for support have been initiated or would be effective. If it appears to the governor that a proceeding would be effective but has not been initiated, he may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.~~

~~[(c) If proceedings have been initiated and the person demanded has prevailed in the proceedings, the governor may decline to honor the demand. If the obligee prevailed and the person demanded is subject to a support order, the governor may decline to honor the demand if the person demanded is complying with the support order.~~

[SUBCHAPTER C. CIVIL ENFORCEMENT

~~[Sec. 21.07. CHOICE OF LAW. Duties of support applicable under this chapter are those imposed or imposable under the laws of any state where the obligor was present during the period for which support is sought; but does not include alimony for a former wife except in proceedings brought pursuant to Part D of Title IV of the federal Social Security Act (42 U.S.C. Section 651 et seq.), requiring that an alimony award is entitled to interstate enforcement if awarded to an obligee with whom the absent parent's child is living, and only if the support obligation established with respect to the child is being enforced. The obligor is presumed to have been present in the responding state during the period for which support is sought until otherwise shown.~~

~~[Sec. 21.08. REMEDIES OF STATE OR POLITICAL SUBDIVISION FURNISHING SUPPORT. If a state or a political subdivision furnishes support to an individual obligee, it has the same right to initiate a proceeding under this chapter as the individual obligee for the purpose of securing reimbursement for support furnished and of obtaining continuing support.~~

~~[Sec. 21.09. HOW DUTIES OF SUPPORT ENFORCED. All duties of support, including the duty to pay arrearages, are enforceable by a proceeding under this chapter, including a proceeding for civil contempt. The defense that the parties are immune to suit because of their relationship as husband and wife or parent and child is not available to the obligor.~~

~~[Sec. 21.10. JURISDICTION. Jurisdiction of any proceeding under this chapter is vested in the district court and any other court authorized to order support for children.~~

~~[Sec. 21.11. CONTENTS AND FILING OF PETITION FOR SUPPORT; VENUE. (a) The petition shall be verified and shall state the name and, so far as known to the obligee, the address, social security number, circumstances of the obligor and the persons for whom support is sought, and all other pertinent information. The obligee may include in or attach to the petition any information that may help in locating or identifying the obligor, including a photograph of the obligor, a description of any distinguishing marks on his person, other names and aliases by which he has been or is known, the name of his employer, his fingerprints, and his social security number.~~

~~[(b) The petition may be filed in the appropriate court of any state in which the obligee resides. The court shall not decline or refuse to accept and forward the petition on the~~

ground that it should be filed with some other court 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 or where another court has already issued a support order in some other proceeding and has retained jurisdiction for its enforcement.

~~[(c) Venue for initiating cases under this chapter is in the county of the residence of the minor child for whom child support is sought. Venue for all responding cases under this chapter is in the county of residence of the obligor.~~

~~[Sec. 21.12. OFFICIALS TO REPRESENT OBLIGEE. If this state is acting as an initiating state, a prosecuting attorney shall represent the obligee in any proceeding under this chapter. If a prosecuting attorney neglects or refuses to represent the obligee, the attorney general may undertake the representation.~~

~~[Sec. 21.13. PETITION FOR MINOR. A petition on behalf of a minor obligee may be executed and filed by a person having legal custody of the minor without appointment as guardian ad litem.~~

~~[Sec. 21.14. DUTY OF INITIATING COURT. If the initiating court finds that the petition sets forth facts from which it may be determined that the obligor owes a duty of support and that a court of the responding state may obtain jurisdiction of the obligor or his property, it shall so certify and cause three copies of the petition and its certificate and one copy of this chapter to be sent to the responding court. Certification shall be in accordance with the requirements of the initiating state. If the name and address of the responding court are unknown and the responding state has an information agency comparable to that established in the initiating state, it shall cause the copies to be sent to the state information agency or other proper official of the responding state, with a request that the agency or official forward them to the proper court and that the court of the responding state acknowledge their receipt to the initiating court.~~

~~[Sec. 21.15. COSTS AND FEES. An initiating court may require payment of either a filing fee or other costs from the obligee and may request the responding court to collect fees and costs from the obligor. The clerk of the responding court may require payment of a filing fee or other costs from the obligee. At the conclusion of the action or proceeding, the responding court may direct that all fees and costs requested by the initiating court and incurred in this state when acting as a responding state, including fees for filing of pleadings, service of process, seizure of property, stenographic or duplication service, or other service supplied to the obligor, and a reasonable fee to an attorney or the prosecuting attorney's office that represents the obligee, be paid in whole or in part by the obligor.~~

~~[Sec. 21.16. JURISDICTION BY ARREST. If the court of this state believes that the obligor may flee, it may:~~

~~(1) as an initiating court, request in its certificate that the responding court obtain the body of the obligor by appropriate process; or~~

~~(2) as a responding court, obtain the body of the obligor by appropriate process. On obtaining the body of the obligor it may release him on his own recognizance or on his giving a bond in an amount set by the court to assure his appearance at the hearing.~~

~~[Sec. 21.17. STATE INFORMATION AGENCY. The attorney general's office is designated as the state information agency under this chapter, and it shall:~~

~~(1) compile a list of the courts and their addresses in this state having jurisdiction under this chapter and transmit it to the state information agency of every other state that has adopted this or a substantially similar statute, and on the adjournment of each session of the legislature the agency shall distribute copies of any amendments to this chapter and a statement of their effective dates to all other state information agencies;~~

~~(2) maintain a register of lists of courts received from other states and transmit copies thereof promptly to every court in this state having jurisdiction under this chapter; and~~

~~(3) forward to the court in this state that has jurisdiction over the obligor or his property petitions, certificates, and copies of the statute it receives from courts or information agencies of other states.~~

~~[Sec. 21.18. DUTY OF COURT AND OFFICIALS OF THIS STATE AS RESPONDING STATE. (a) After the responding court receives copies of the petition, certificate, and statute~~

from the initiating court, the clerk of the court shall docket the case and notify the prosecuting attorney of his action.

~~[(b) The prosecuting attorney shall prosecute the case diligently. He shall take all action necessary in accordance with the laws of this state to enable the court to obtain jurisdiction over the obligor or his property and shall request the clerk of the court to set a time and place for a hearing and give notice of the hearing to the obligor in accordance with the law.~~

~~[(c) If the prosecuting attorney neglects or refuses to represent the obligee, the attorney general may undertake the representation.~~

~~[Sec. 21.19. FURTHER DUTIES OF COURT AND OFFICIALS IN RESPONDING STATE. (a) The prosecuting attorney on his own initiative shall use all means at his disposal to locate the obligor or his property, and if because of inaccuracies in the petition or otherwise the court cannot obtain jurisdiction, the prosecuting attorney shall inform the court of what he has done and request the court to continue the case pending receipt of more accurate information or an amended petition from the initiating court.~~

~~[(b) If the obligor or his property is not found in the county and the prosecuting attorney discovers that the obligor or his property may be found in another county of this state or in another state, he shall so inform the court. Thereupon the clerk of the court shall forward the documents received from the court in the initiating state to a court in the other county or to a court in the other state or to the information agency or other proper official of the other state with a request that the documents be forwarded to the proper court. All powers and duties provided by this chapter apply to the recipient of the documents so forwarded. If the clerk of a court of this state forwards documents to another court, he shall forthwith notify the initiating court.~~

~~[(c) If the prosecuting attorney has no information as to the location of the obligor or his property, he shall so inform the initiating court.~~

~~[Sec. 21.20. HEARING AND CONTINUANCE. If the obligee is not present at the hearing and the obligor denies owing the duty of support alleged in the petition or offers evidence constituting a defense, the court, on request of either party, shall continue the hearing to permit evidence relative to the duty to be adduced by either party by deposition, by appearing in person before the court, or as otherwise provided in this chapter. The court may designate the judge of the initiating court as a person before whom a deposition may be taken.~~

~~[Sec. 21.21. IMMUNITY FROM CRIMINAL PROSECUTION. If at the hearing the obligor is called for examination as an adverse party and he declines to answer on the ground that his testimony may tend to incriminate him, the court may require him to answer, in which event he is immune from criminal prosecution with respect to matters revealed by his testimony, except for perjury committed in this testimony.~~

~~[Sec. 21.22. EVIDENCE OF HUSBAND AND WIFE. Laws attaching a privilege against the disclosure of communications between husband and wife or between former spouses are inapplicable to proceedings under this chapter. Husband and wife or former spouses are competent witnesses and may be compelled to testify to any relevant matter, including marriage, parentage, and the ability to contribute support. The testimony may be used as the sole basis for the entry of an order.~~

~~[Sec. 21.23. RULES OF EVIDENCE. In any hearing for the civil enforcement of this chapter the court is governed by the rules of evidence applicable in a civil court action in the district court. If the action is based on a support order issued by another court, a certified copy of the order shall be admitted as prima facie evidence that the duty of support exists, subject only to any defenses available with respect to a denial of paternity or in an action or a proceeding to enforce a foreign money judgment. The determination or enforcement of a duty of support shall not be affected by any interference with rights of custody or visitation granted by a court. In a contested case, it is presumed:~~

~~[(1) that the obligor and the obligee have an equal duty of support; or~~

~~[(2) if there is a prior support order, that the most recent order correctly designates the current amount of support and duty of support.~~

~~[Sec. 21.24. ORDER OF SUPPORT. If the responding court finds a duty of support, it may order the obligor to furnish support or reimbursement for support and subject the property of the obligor to the order. Support orders made pursuant to this chapter shall require that payments be made to the designated agency for collecting of child support in the court of the responding state. In any proceeding brought under Part D of Title IV of the federal Social Security Act (42 U.S.C. Section 651 et seq.), the court shall order that all child support payments be paid to the attorney general of Texas. The court and prosecuting attorney of any county in which the obligor is present or has property have the same powers and duties to enforce the order as have those of the county in which it was first issued. If enforcement is impossible or cannot be completed in the county in which the order was issued, the prosecuting attorney shall send a certified copy of the order to the prosecuting attorney of any county in which it appears that proceedings to enforce the order would be effective. The prosecuting attorney to whom the certified copy of the order is forwarded shall proceed with enforcement and report the results of the proceedings to the court first issuing the order.]~~

~~[Sec. 21.25. RESPONDING COURT TO TRANSMIT COPIES TO INITIATING COURT. The responding court shall cause a copy of all support orders to be sent to the initiating court.]~~

~~[Sec. 21.26. ADDITIONAL POWERS OF RESPONDING COURT. In addition to the foregoing powers a responding court may subject the obligor to any terms and conditions proper to assure compliance with its orders and in particular:~~

~~(1) to require the obligor to furnish a cash deposit or a bond of a character and amount to assure payment of any amount due as provided in Section 14.42(a) of this code;~~

~~(2) to require the obligor to report personally and to make payments at specified intervals to the district clerk or probation department of the court;~~

~~(3) to punish under the power of contempt the obligor who violates any order of the court;~~

~~(4) to order the obligor to pay as court costs a reasonable fee to any attorney or to the prosecuting attorney's office who represents the petitioner in any enforcement proceeding; and~~

~~(5) to order withholding from earnings for child support, as provided in Sections 14.43, 14.44, and 14.45 of this code.~~

~~[Sec. 21.27. PATERNITY. If the obligor asserts as a defense that he is not the father of the child for whom support is sought and it appears to the court that the defense is not frivolous, and if both of the parties are present at the hearing or the proof required in the case indicates that the presence of either or both of the parties is not necessary, the court may adjudicate the paternity issue. Otherwise the court may adjourn the hearing until the paternity issue has been adjudicated.]~~

~~[Sec. 21.28. ADDITIONAL DUTIES OF RESPONDING COURT. A responding court has the following duties, which may be carried out through the district clerk, the probation department of the court, the designated agency for collecting child support, or the attorney general:~~

~~(1) to transmit to the initiating court any payment made by the obligor pursuant to any order of the court or otherwise; and~~

~~(2) to furnish to the initiating court on request a certified statement of all payments made by the obligor.~~

~~[Sec. 21.29. ADDITIONAL DUTY OF INITIATING COURT. An initiating court shall receive and disburse forthwith all payments made by the obligor or sent by the responding court. This duty may be carried out through the district clerk, the probation department of the court, the designated agency for collecting child support, or the attorney general.]~~

~~[Sec. 21.30. PROCEEDINGS NOT TO BE STAYED. A responding court shall not stay the proceeding or refuse a hearing under this chapter 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 court shall hold a hearing and may issue a support order pendente lite. In aid of an order it 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 in the proceeding provides for the support demanded in the petition being heard, the court must conform its support order to the amount allowed in the other action or proceeding. After doing so the court shall not stay enforcement of its support order because of the retention of jurisdiction for enforcement purposes by the court in the other action or proceeding.~~

~~[Sec. 21.31. APPLICATION OF PAYMENTS. A support order made by a court of this state pursuant to this chapter does not nullify and is not nullified by a support order made by a court of this state pursuant to any other law or by a support order made by a court of any other state pursuant to a substantially similar act or any other law, regardless of priority of issuance, unless otherwise specifically provided by the court. Amounts paid for a particular period pursuant to any support order made by the court of another state shall be credited against the amount accruing or accrued for the same period under any support order made by the court of this state.~~

~~[Sec. 21.32. EFFECT OF PARTICIPATION IN PROCEEDING. Participation in any proceeding under this chapter does not confer jurisdiction on any court over any of the parties to the proceeding in any other proceeding.~~

~~[Sec. 21.33. INTRASTATE APPLICATION. This chapter applies if both the obligee and the obligor are in this state but in different judicial districts. If the court of the district in which the petition is filed finds that the petition sets forth facts from which it may be determined that the obligor owes a duty of support and finds that a court of another district in this state may obtain jurisdiction over the obligor or his property, the clerk of the court shall send the petition and a certification of the findings to the court of the district in which the obligor or his property is found. The clerk of the court of the district receiving these documents shall notify the prosecuting attorney of their receipt. The prosecuting attorney and the court in the district to which the copies are forwarded then shall have duties corresponding to those imposed on them when acting for this state as a responding state.~~

~~[Sec. 21.34. APPEALS. If the prosecuting attorney is of the opinion that the support order is erroneous and presents a question of law warranting an appeal in the public interest, he may:~~

~~(1) perfect an appeal to the proper appellate court if the support order was issued by a court of this state; or~~

~~(2) if the support order was issued in another state, cause the appeal to be taken in the other state. In either case expenses of appeal may be paid on his order from funds appropriated for his office.~~

~~[SUBCHAPTER D. REGISTRATION OF FOREIGN SUPPORT ORDERS~~

~~[Sec. 21.35. ADDITIONAL REMEDIES. If the duty of support is based on a foreign support order, the obligee has the additional remedies provided in the following sections.~~

~~[Sec. 21.36. REGISTRATION. The obligee may register the foreign support order in a court of this state in the manner, with the effect, and for the purposes herein provided.~~

~~[Sec. 21.37. REGISTRY OF FOREIGN SUPPORT ORDERS. The clerk of the court shall maintain a registry of foreign support orders in which he shall file foreign support orders.~~

~~[Sec. 21.38. OFFICIAL TO REPRESENT OBLIGEE. If this state is acting either as a rendering or a registering state, on the request of the court the prosecuting attorney shall represent the obligee in proceedings under this part of this subchapter.~~

~~[Sec. 21.39. REGISTRATION PROCEDURE; NOTICE.—(a) An obligee seeking to register a foreign support order in a court of this state shall transmit to the prosecuting attorney three certified copies of the order with all modifications; one copy of the reciprocal enforcement of support act of the state in which the order was made; and a statement verified and signed by the obligee, showing the post office address of the obligee, the last known place of residence and post office address of the obligor, the amount of support remaining unpaid, a description and the location of any property of the obligor available on execution, and a list of the states in which the order is registered. On receipt of these~~

documents, the prosecuting attorney shall transmit them to the clerk of the court who shall file them in the registry of foreign support orders. The filing constitutes registration under this chapter.

(b) Promptly on registration the clerk of the court shall send by certified or registered mail to the obligor at the address given a notice of the registration with a copy of the registered support order and the post office address of the obligee. He shall endorse on the registered support order a file number, the day on which it was filed, and the time of filing, shall sign his name officially thereto, and notify the prosecuting attorney of his action. The prosecuting attorney shall proceed diligently to enforce the order.

[Sec. 21.40. EFFECT OF REGISTRATION; ENFORCEMENT PROCEDURE. (a) On registration the registered foreign support order shall be treated in the same manner as a support order issued by a court of this state. It has the same effect and is subject to the same procedures, defenses, and proceedings for reopening, vacating, or staying as a support order of this state and may be enforced and satisfied in like manner.

(b) The obligor has 20 days after the mailing of notice of the registration in which to petition the court to vacate the registration or for other relief. If he does not so petition, the registered support order is confirmed.

(c) At the hearing to enforce the registered support order the obligor may present only matters that would be available to him as defenses in an action to enforce a foreign money judgment. If he shows to the court that an appeal from the order is pending or will be taken or that a stay of execution has been granted, the court shall stay enforcement of the order until the appeal is concluded, the time for appeal has expired, or the order is vacated, on satisfactory proof that the obligor has furnished security for payment of the support ordered as required by the rendering state. If he shows to the court any ground on which enforcement of a support order of this state may be stayed, the court shall stay enforcement of the order for an appropriate period if the obligor furnishes the same security for payment of the support ordered that is required for a support order of this state.

[Sec. 21.41. UNIFORMITY OF INTERPRETATION. This chapter shall be so construed as to effect its general purpose to make uniform the law of those states that enact it or a substantially similar statute.

[Sec. 21.42. SHORT TITLE. This chapter may be cited as the Revised Uniform Reciprocal Enforcement of Support Act.

[Sec. 21.43. SEVERABILITY. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter that can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.]

SECTION 2. Sections 11.05(a), (f), and (g), Family Code, are amended to read as follows:

(a) Except as otherwise provided by this section, by *Sections* [Section] 11.06, 11.061, or 17.05 of this code, or by Subchapter B of this chapter (Uniform Child Custody Jurisdiction Act), when a court acquires jurisdiction of a suit affecting the parent-child relationship, that court retains continuing, exclusive jurisdiction of all parties and matters provided for under this subtitle in connection with the child. No other court of this state has jurisdiction of a suit affecting the parent-child relationship with regard to that child except on transfer as provided in *Sections* [Section] 11.06, 11.061, or 17.06 of this code.

(f) A court acquires jurisdiction of a suit affecting the parent-child relationship without a transfer under *Sections* [Section] 11.06 or 11.061 of this code, even though another court has continuing jurisdiction over the child, if the parents of the child have remarried each other after the dissolution of a previous marriage between the parents and file in the court acquiring jurisdiction a suit for the dissolution of their subsequent marriage combined with a suit affecting the parent-child relationship concerning the child.

(g) Except as provided by *this section* or Subsection (d) of Section 11.53 of this code, a court may exercise its continuing, exclusive jurisdiction to modify all aspects of its decree, including managing conservatorship, possessory conservatorship, possession of and access to the child and support of the child. A court of this state may not exercise its continuing jurisdiction to modify any part of a decree if the child and all parties have established and continue to maintain their principal residence or home state outside this state or if 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. This subsection does not affect the power of the court to enforce and enter a judgment on its decree.

SECTION 3. Section 11.051, Family Code, is amended to read as follows:

Sec. 11.051. **ACQUIRING JURISDICTION OVER NONRESIDENT.** In a suit affecting the parent-child relationship, the court may exercise status or subject matter jurisdiction over the suit as provided by Subchapter B of this chapter. The court may also exercise personal jurisdiction over a person on whom service of citation is required or over the person's personal representative, although the person is not a resident or domiciliary of this state, if:

(1) ~~the [child was conceived in this state when at least one biological parent was a resident of this state and the] person [on whom service] is personally served with citation in this state [required is a parent or an alleged or probable father of the child];~~

(2) *the person 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) ~~[(2)] the child resides in this state as a result of the acts or directives [or with the approval] of the person [on whom service is required];~~

(4) ~~[(3)] the person [on whom service is required has] resided with the child in this state; [or]~~

(5) *the person resided in this state and provided prenatal expenses or support for the child;*

(6) *the person engaged in sexual intercourse in this state and the child may have been conceived by that act of intercourse; or*

(7) ~~[(4)] there is any basis consistent with the constitutions of this state and the United States for the exercise of the personal jurisdiction.~~

SECTION 4. Subchapter A, Chapter 11, Family Code, is amended by adding Section 11.061 to read as follows:

Sec. 11.061. **TRANSFER OF PROCEEDINGS WITHIN THE STATE WHEN PARTY OR CHILD RESIDES OUTSIDE THE STATE.** (a) *If one party is a resident of this state and one or more of the other parties and the child or all of the children affected by the proceedings reside outside this state and if the action is filed in a county other than the county of residence of the resident party, the court shall transfer the proceeding to the county of residence of the resident party.*

(b) *If one or more of the parties affected by the proceedings reside outside this state and if more than one party or one or more children affected by the proceeding reside in this state in different counties, the court shall transfer the proceeding according to the following priorities:*

(1) *to the court of continuing, exclusive jurisdiction, if any;*

(2) *to the county of residence of the child, if applicable, provided that:*

(A) *Subdivision (1) is inapplicable; or*

(B) *the court of continuing, exclusive jurisdiction finds that neither a party nor a child affected by the proceeding resides in the county of the court of continuing jurisdiction; or*

(3) *if Subdivisions (1) and (2) are inapplicable, to the county most appropriate to serve the convenience of the resident parties and the witnesses and the interest of justice.*

(c) *The procedures for determining and effectuating a transfer of proceedings under this section shall be identical to the procedures established in Section 11.06 of this code.*

SECTION 5. Section 11.155(f), Family Code, is amended to read as follows:

(f) The clerk of the court shall maintain a file of any information provided by a party under this section and shall, unless otherwise ordered by the court, provide the information on request, without charge, to a party, the attorney general, a domestic relations office, a child

support collection office, or any other person designated to prosecute actions under the [Revised] Uniform *Interstate Family* [Reciprocal-Enforcement-of] Support Act (Chapter 21 of this code) or to enforce an order providing for child support or possession of or access to a child.

SECTION 6. Section 14.052(a), Family Code, is amended to read as follows:

(a) Purpose. The guidelines for the support of a child in this chapter are intended to guide the courts in determining equitable amounts of child support in any suit affecting the parent-child relationship, including without limitation actions involving divorce, modification, and paternity, and in any proceeding brought under the *Uniform Interstate Family Support Act* (Chapter 21 of this code) [~~a reciprocal support act~~].

SECTION 7. Section 14.057, Family Code, is amended to read as follows:

Sec. 14.057. FINDINGS IN CHILD SUPPORT ORDER. (a) Without regard to Rules 296 through 299, Texas Rules of Civil Procedure, in any suit affecting the parent-child relationship or proceeding under the *Uniform Interstate Family Support Act* (Chapter 21 of this code) [~~reciprocal child support action~~] in which child support is contested and the amount of the order is set by the court, on written request made or filed with the court not later than 10 days after the date of the hearing or an oral request made in open court during the hearing, the court shall state the following in the child support order:

"(1) the amount of net resources available to the obligor per month is \$ _____

"(2) the amount of net resources available to the obligee per month is \$ _____

"(3) the amount of child support payments per month that is computed if Section 14.055, Family Code, is applied is \$ _____;

"(4) the percentage applied to the obligor's net resources for child support by the actual order rendered by the court is _____%; and, if applicable,

"(5) the specific reasons that the amount of support per month ordered by the court varies from the amount computed by applying the percentage guidelines pursuant to Section 14.055, Family Code, are: _____."

(b) In any suit affecting the parent-child relationship or proceeding under the *Uniform Interstate Family Support Act* (Chapter 21 of this code) [~~reciprocal child support action~~] in which the amount of child support ordered by the court varies from the amount computed by applying the percentage guidelines contained in Section 14.055 of this code, the court shall find that the application of the child support guidelines would be unjust or inappropriate and shall state the following in the child support order:

"(1) the amount of net resources available to the obligor per month is \$ _____

"(2) the amount of net resources available to the obligee per month is \$ _____

"(3) the amount of child support payments per month that is computed if Section 14.055, Family Code, is applied is \$ _____;

"(4) the percentage applied to the obligor's net resources for child support by the actual order rendered by the court is _____%; and

"(5) the specific reasons that the amount of support per month ordered by the court varies from the amount computed by applying the percentage guidelines pursuant to Section 14.055, Family Code, are: _____."

SECTION 8. Section 14.061(a), Family Code, is amended to read as follows:

(a) In any suit affecting the parent-child relationship or proceeding under the *Uniform Interstate Family Support Act* (Chapter 21 of this code) [~~reciprocal child support action under Chapter 21 of this code~~], a court shall order that health insurance be provided for the child. The court shall consider the cost and quality of health insurance coverage available to the parties and shall give priority to health insurance coverage supplied by an employer of one of the parties.

SECTION 9. Section 14.30(c), Family Code, is amended to read as follows:

(c) Venue and Transfer. Venue for proceedings brought under this subchapter shall be as provided in Section 11.04 of this code or, when applicable, according to the transfer provisions of Sections [Section] 11.06 or 11.061 of this code.

SECTION 10. Section 14.313(b), Family Code, is amended to read as follows:

(b) Claims. Claims that may be joined include proceedings to:

- (1) enforce a child support order by contempt under Section 14.40 of this code;
- (2) reduce child support arrearages to judgment under Section 14.41 of this code;
- (3) require a person obligated to support a child to furnish bond or other security under Section 14.42 of this code;
- (4) require withholding from earnings under Section 14.43 or Subchapter C of this chapter;
- (5) enforce a right of possession of or access to a child by contempt under Section 14.50 of this code;
- (6) require a person to furnish bond or other security to ensure compliance with a court order for possession of or access to a child under Section 14.51 of this code;
- (7) transfer the proceeding because venue is improper under *Sections* [Section] 11.06 or 11.061 of this code;
- (8) petition for further action concerning a child under Section 11.07 of this code;
- (9) modify an existing order or decree under Section 14.08 of this code;
- (10) petition for a writ of habeas corpus under Section 14.10 of this code;
- (11) recover damages under Chapter 36 of this code;
- (12) initiate procedures for withholding child support from earnings without the necessity of further action by the court under Sections 14.44 and 14.45 of this code; and
- (13) recover under *the Uniform Interstate Family Support Act (Chapter 21 of this code)* [any reciprocal enforcement of support act or interstate income withholding act] whether as issuing [rendering] or responding state.

SECTION 11. Section 14.44(h), Family Code, is amended to read as follows:

(h) Interstate Requests for Income Withholding. In a proceeding initiated under Part D of Title IV of the federal Social Security Act (42 U.S.C. Section 651 et seq.), the registration of a foreign support order under *the Uniform Interstate Family Support Act (Chapter 21 of this code)* is sufficient for the filing of a notice of delinquency under this section. The notice shall be filed with the clerk of the court having venue under [Chapter 21 of] this code. Notice of delinquency as provided in this section may be delivered to the obligor at the same time that an order is filed for registration under Chapter 21 of this code.

SECTION 12. Subchapter C, Chapter 14, Family Code, is repealed.

SECTION 13. Section 14.873, Family Code, is amended to read as follows:

Sec. 14.873. ENFORCEMENT OF EXISTING COURT ORDER FOR CHILD SUPPORT. If a court order for child support has been issued by a court, a child support agency may:

- (1) commence enforcement proceedings under Subchapter B of this chapter;
- (2) commence an action to confirm a child support arrearage and to obtain a judgment for past-due child support payments as provided by Section 14.41 of this code;
- (3) petition the court to require a person obligated to support a child to furnish a bond or other security under Section 14.42 of this code;
- (4) petition the court to require withholding from earnings under Section 14.43 or Subchapter C of this chapter; or
- (5) recover under *the Uniform Interstate Family Support Act (Chapter 21 of this code)* [any reciprocal enforcement or support act or interstate income withholding act].

SECTION 14. Section 14.91(d), Family Code, is amended to read as follows:

(d) In the appointment of a friend of the court, the court shall give preference to:

- (1) a local domestic relations office;
- (2) a local child support collection office;

(3) the local court official designated to enforce actions under the [Revised] Uniform *Interstate Family [Reciprocal Enforcement of] Support Act* (Chapter 21 of this code); or

(4) an attorney in good standing with the State Bar of Texas.

SECTION 15. Section 17.05, Family Code, is amended to read as follows:

Sec. 17.05. JURISDICTION OF CHAPTER 17 PROCEEDINGS. (a) A suit affecting the parent-child relationship brought by a governmental entity seeking conservatorship or termination and a temporary restraining order or attachment of a child under this chapter may be filed in any court with jurisdiction to hear suits affecting the parent-child relationship in the county in which the child is found.

(b) Immediately after the issuance of such temporary orders as are necessary for the protection of the child pending a final hearing, a governmental entity shall determine the court of continuing jurisdiction and shall institute any transfers as are necessary under Section 17.06, [or] 11.06, or 11.061 of this code.

SECTION 16. This Act takes effect September 1, 1993, and applies only to an order, decree, or judgment entered on or after that date.

SECTION 17. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 8, 1993, by a non-record vote; passed by the Senate on May 26, 1993, by a viva-voce vote.

Approved June 19, 1993.

Effective Sept. 1, 1993.