

AN ACT

Codification
District of
Columbia
Official Code

2001 Edition

2007 Spring
Supp.

West Group
Publisher

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Uniform Interstate Family Support Act of 1995 to clarify jurisdictional rules with respect to efforts to modify existing orders and to identify which order is controlling, to provide clearer guidance as to the redirection of support payments to an obligee's current state of residence, to provide for the recognition of foreign support orders if the District establishes comity with that country or if the United States State Department has determined that reciprocity exists, and to incorporate technical updates concerning the use of electronic communications, the evolution of specific agency practices and forms, and organizational changes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Uniform Family Support Amendment Act of 2006".

Sec. 2. The Uniform Interstate Family Support Act of 1995, effective February 9, 1996 (D.C. Law 11-81; D.C. Official Code § 46-301.01 *et seq.*), is amended as follows:

(a) Title I is amended as follows:

(1) Section 101 (D.C. Official Code § 46-301.01) is amended as follows:

Amend
§ 46-301.01

(A) Paragraph (9) is amended by striking the phrase “, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act”.

(B) New paragraphs (16A) and (16B) are added to read as follows:

“(16A) “Person” means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, or instrumentality, public corporation, or any other legal or commercial entity.

“(16B) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.”.

(C) Paragraph (19) is amended by striking the phrase “, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act”.

(D) Paragraph (22)(B) is amended to read as follows:

“(B) A foreign country or political subdivision that:

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

“(ii) Has established a reciprocal arrangement for child support with the District, as provided in section 308(b); or

“(iii) Has enacted a law or established procedures for the issuance and enforcement of support orders which are substantially similar to the procedures under this act.”.

(E) Paragraph (23) is amended to read as follows:

“(23) “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;

“(D) Location of obligors or their assets; or

“(E) Determination of the controlling child-support order.”.

(F) Paragraph (24) is amended to read as follows:

“(24) “Support order” means a judgment, decree, order, or directive, whether temporary, final, or subject to modification, issued by a tribunal for the benefit of a child, a spouse, or a former spouse, which provides for monetary support, health care, arrearages, or reimbursement, and may include related costs and fees, interest, income withholding, attorney’s fees, and other relief.”.

(2) Section 103 (D.C. Official Code § 46-301.03) is amended to read as follows:

Amend
§ 46-301.03

“Sec. 103. Remedies cumulative.

“(a) Remedies provided by this act are cumulative and do not affect the availability of remedies under other law, including the recognition of a support order of a foreign country or political subdivision on the basis of comity.

“(b) This act does not:

“(1) Provide the exclusive method of establishing or enforcing a support order under the law of the District; or

“(2) Grant a tribunal of the District jurisdiction to render judgment or issue an order relating to child custody or visitation in a proceeding under this act.”.

(b) Title 2 is amended as follows:

(1) Part A is amended as follows:

(A) Strike the heading “PART A. EXTENDED PERSONAL JURISDICTION.”.

(B) Section 201 (D.C. Official Code § 46-302.01) is amended as follows:

ENROLLED ORIGINAL

(i) Designate the existing text as subsection (a).

Amend
§ 46-302.01

(ii) The newly designated subsection (a) is amended as follows:

(I) The lead-in text is amended by striking the phrase “establish, enforce, or modify” and inserting the phrase “establish or enforce” in its place.

(II) Paragraph (2) is amended by striking the word “consent” and inserting the phrase “consent in a record” in its place.

(iii) A new subsection (b) is added to read as follows:

“(b) The bases of personal jurisdiction set forth in subsection (a) of this section or in any other law of the District may not be used to acquire personal jurisdiction for a tribunal of the District to modify a child support order of another state unless the requirements of sections 611 and 615 are met.”.

(C) Section 202 (D.C. Official Code § 46-302.02) is amended to read as follows:

Amend
§ 46-302.02

“Sec. 202. Duration of personal jurisdiction.

“Personal jurisdiction acquired by a tribunal of the District in a proceeding under this act or other law of the District relating to a support order continues as long as a tribunal of the District has continuing, exclusive jurisdiction to modify its order or continuing jurisdiction to enforce its order as provided by sections 205, 206, and 211.”.

(2) Part B is amended as follows:

(A) Strike the heading “PART B. PROCEEDINGS INVOLVING 2 OR MORE STATES.”.

(B) Section 204 (D.C. Official Code § 46-302.04) is amended by striking the phrase “in another state” in the section heading.

Amend
§ 46-302.04

(C) Section 205 (D.C. Official Code § 46-302.05) is amended to read as follows:

Amend
§ 46-302.05

“Sec. 205. Continuing, exclusive jurisdiction to modify child-support order.

“(a) A tribunal of the District that has issued a child-support order consistent with the law of the District has and shall exercise continuing, exclusive jurisdiction to modify its child-support order if the order is the controlling order and:

“(1) At the time of the filing of a request for modification, the District is the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued; or

“(2) Even if the District is not the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued, the parties consent in a record or in open court that the tribunal of the District may continue to exercise jurisdiction to modify its order.

“(b) A tribunal of the District that has issued a child-support order consistent with the law of the District may not exercise continuing, exclusive jurisdiction to modify the order if:

“(1) All of the parties who are individuals file consent in a record with the

tribunal of the District that a tribunal of another state that has jurisdiction over at least one of the parties who is an individual or that is located in the state of residence of the child may modify the order and assume continuing, exclusive jurisdiction; or

“(2) Its order is not the controlling order.

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

“(d) A tribunal of the District that lacks continuing, exclusive jurisdiction to modify a child-support order may serve as an initiating tribunal to request a tribunal of another state to modify a support order issued in that state.

“(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.”.

(D) Section 206 (D.C. Official Code § 46-302.06) is amended to read as follows:

Amend
§ 46-302.06

“Sec. 206. Continuing jurisdiction to enforce child-support order.

“(a) A tribunal of the District that has issued a child-support order consistent with the law of the District may serve as an initiating tribunal to request a tribunal of another state to enforce:

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

“(2) A money judgment for arrears 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 the District having continuing jurisdiction over a support order may act as a responding tribunal to enforce the order.”.

(3) Part C is amended as follows:

(A) Strike the heading “PART C. RECONCILIATION WITH ORDERS OF OTHER STATES.”.

(B) Section 207 (D.C. Official Code § 46-302.07) is amended to read as follows:

Amend
§ 46-302.07

“Sec. 207. Determination of controlling child-support order.

“(a) If a proceeding is brought under this act and only one tribunal has issued a child-support order, the order of that tribunal controls and must be so recognized.

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

“(1) If only one of the tribunals would have continuing, exclusive jurisdiction

under this act, the order of that tribunal controls and must be so recognized.

“(2) If more than one of the tribunals would have continuing, exclusive jurisdiction under this act:

“(A) An order issued by a tribunal in the current home state of the child controls; or

“(B) If an order has not been issued in the current home state of the child, the order most recently issued controls.

“(3) If none of the tribunals would have continuing, exclusive jurisdiction under this act, the tribunal of the District shall issue a child-support order, which controls.

“(c) If 2 or more child-support orders have been issued for the same obligor and same child, upon request of a party who is an individual or a support enforcement agency, a tribunal of the District having personal jurisdiction over both the obligor and the obligee who is an individual shall determine which order controls under subsection (b) of this section. The request may be filed with a registration for enforcement or registration for modification pursuant to Title 6, or may be filed as a separate proceeding.

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

“(e) The tribunal that issued the controlling order under subsection (a), (b), or (c) of this section has continuing jurisdiction to the extent provided in section 205 or 206.

“(f) A tribunal of the District that determines by order which is the controlling order under subsection (b)(1) or (2) or (c) of this section, or that issues a new controlling order under subsection (b)(3) of this section, shall state in that order:

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

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

“(3) The total amount of consolidated arrears and accrued interest, if any, under all of the orders after all payments made are credited as provided by section 209.

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

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

(C) Section 208 (D.C. Official Code § 46-302.08) is amended as follows:

(i) The section heading is amended by striking the phrase

Amend
§ 46-302.08

“Multiple child” and inserting the word “Child” in its place.

(ii) The text is amended by striking the word “multiple” both times it appears.

(D) Section 209 (D.C. Official Code § 46-302.09) is amended to read as follows:

Amend
§ 46-302.09

“Sec. 209. Credit for payments.

“A tribunal of the District shall credit amounts collected for a particular period pursuant to any child-support order against the amounts owed for the same period under any other child-support order for support of the same child issued by a tribunal of the District or another state.”.

(E) New sections 210 and 211 are added to read as follows:

“Sec. 210. Application of act to nonresident subject to personal jurisdiction.

“A tribunal of the District exercising personal jurisdiction over a nonresident in a proceeding under this act, under other law of the District relating to a support order, or recognizing a support order of a foreign country or political subdivision on the basis of comity may receive evidence from another state pursuant to section 316, communicate with a tribunal of another state pursuant to section 317, and obtain discovery through a tribunal of another state pursuant to section 318. In all other respects, Titles 3 through 7 do not apply and the tribunal shall apply the procedural and substantive law of the District.

“Sec. 211. Continuing, exclusive jurisdiction to modify spousal-support order.

“(a) A tribunal of the District issuing a spousal-support order consistent with the law of the District has continuing, exclusive jurisdiction to modify the spousal-support order throughout the existence of the support obligation.

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

“(c) A tribunal of the District that has continuing, exclusive jurisdiction over a spousal-support order may serve as:

“(1) An initiating tribunal to request a tribunal of another state to enforce the spousal-support order issued in the District; or

“(2) A responding tribunal to enforce or modify its own spousal-support order.”.

(c) Title 3 is amended as follows:

(1) Section 301 (D.C. Official Code § 46-303.01) is amended as follows:

(A) Subsection (b) is repealed.

(B) Subsection (c) is amended by striking the word “commence” and inserting the word “initiate” in its place.

Amend
§ 46-303.01

(2) Section 302 (D.C. Official Code § 46-303.02) is amended by striking the word “Action” and inserting the word “Proceeding” in its place in the section heading.

Amend
§ 46-303.02

(3) Section 303(1) (D.C. Official Code § 46-303.03(1)) is amended by striking

Amend
§ 46-303.03

the phrase “, including the rules on choice of law,”.

(4) Section 304 (D.C. Official Code § 46-303.04) is amended as follows:

Amend
§ 46-303.04

(A) Subsection (a) is amended by striking the phrase “3 copies of”.

(B) Subsection (b) is amended to read as follows:

“(b) If requested by the responding tribunal, a tribunal of the District shall issue a certificate or other document and make findings required by the law of the responding state. If the responding state is a foreign country or political subdivision, upon request, the tribunal shall specify the amount of support sought, convert that amount into the equivalent amount in the foreign currency under applicable official or market exchange rate as publicly reported, and provide any other documents necessary to satisfy the requirements of the responding state.”.

(5) Section 305 (D.C. Official Code § 46-303.05) is amended as follows:

Amend
§ 46-303.05

(A) Subsection (b) is amended as follows:

(i) The lead-in text is amended by striking the phrase “otherwise authorized by law” and inserting the phrase “not prohibited by other law” in its place.

(ii) Paragraph (1) is amended to read as follows:

“(1) Issue or enforce a support order, modify a child-support order, determine the controlling child-support order, or determine parentage;”.

(B) A new subsection (f) is added to read as follows:

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

Amend
§ 46-303.06

(6) Section 306 (D.C. Official Code § 46-303.06) is amended by striking the word “it” and inserting the phrase “the tribunal” in its place.

(7) Section 307 (D.C. Official Code § 46-303.07) is amended as follows:

Amend
§ 46-303.07

(A) Subsection (b) is amended as follows:

(i) The lead-in text is amended by striking the word “agency” and inserting the phrase “agency of the District” in its place, and by striking the phrase “as appropriate”.

(ii) Paragraph (4) is amended by striking the phrase “written notice” and inserting the phrase “notice in a record” in its place.

(iii) Paragraph (5) is amended by striking the phrase “written communication” and inserting the phrase “communication in a record” in its place.

(B) Redesignate subsection (c) as subsection (f).

(C) New subsections (c), (d), and (e) are added to read as follows:

“(c) A support enforcement agency of the District that requests registration of a child-support order in the District for enforcement or for modification shall make reasonable efforts:

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

ENROLLED ORIGINAL

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

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

“(e) A support enforcement agency of the District shall issue or request a tribunal of the District to issue a child-support order and an income-withholding order that redirect payment of current support, arrears, and interest if requested to do so by a support enforcement agency of another state pursuant to section 319.”

(8) Section 307a (D.C. Official Code § 46-303.07a) is redesignated as section 308 and amended to read as follows:

**Recodify
§ 46-303.08**

“Sec. 308. Duty of Mayor to order or provide services.

“(a) If the Mayor determines that the support enforcement agency is neglecting or refusing to provide services to an individual, the Mayor may order the agency to perform its duties under this act or may provide those services directly to the individual.

“(b) The Mayor may determine that a foreign country or political subdivision has established a reciprocal arrangement for child support with the District and take appropriate action for notification of the determination.”

(9) Section 308 (D.C. Official Code § 46-303.08) is redesignated as section 309.

**Recodify
§ 46-303.09**

(10) Section 309 (D.C. Official Code § 46-303.09) is amended as follows:

**Recodify
§ 46-303.10**

(A) Redesignate the section as section 310.

(B) Subsection (b) is amended as follows:

(i) Paragraph (2) is amended by striking the phrase “register of” and inserting the phrase “register of names and addresses of” in its place.

(ii) Paragraph (3) is amended by striking the phrase “individual obligee” and inserting the phrase “obligee who is an individual” in its place.

(11) Section 310 (D.C. Official Code § 46-303.10) is amended as follows:

**Recodify
§ 46-303.11**

(A) Redesignate the section as section 311.

(B) Subsection (a) is amended to read as follows:

“(a) In a proceeding under this act, a petitioner seeking to establish a support order, to determine parentage, or to register and modify a support order of another state must file a petition. Unless otherwise ordered under section 312, 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 or the parent and alleged parent, and the name, sex, residential address, social security number, and date of birth of each child for whose benefit support is sought or whose parentage is to be determined. Unless filed at the time of registration, the petition must be accompanied by a copy of any support order known to have been issued by another tribunal.

ENROLLED ORIGINAL

The petition may include any other information that may assist in locating or identifying the respondent.”.

(12) Section 311 (D.C. Official Code § 46-303.11) is redesignated as section 312 and amended to read as follows:

**Recodify
§ 46-303.12**

“Sec. 312. Nondisclosure of information in exceptional circumstances.

“If a party alleges in an affidavit or a pleading under oath that the health, safety, or liberty of a party or child would be jeopardized by disclosure of specific identifying information, that information must be sealed and may not be disclosed to the other party or the public. After a hearing in which a tribunal takes into consideration the health, safety, or liberty of the party or child, the tribunal may order disclosure of information that the tribunal determines to be in the interest of justice.”.

(13) Section 312 (D.C. Official Code § 46-303.12) is amended as follows:

**Recodify
§ 46-303.13**

(A) Redesignate the section as section 313.

(B) Subsection (c) is amended by striking the phrase “(enforcement and modification of support order after registration)”.

(14) Section 313 (D.C. Official Code § 46-303.13) is amended as follows:

**Recodify
§ 46-303.14**

(A) Redesignate the section as section 314.

(B) Subsection (a) is amended by striking the phrase “a proceeding” and inserting the phrase “a proceeding under this act” in its place.

(15) Section 314 (D.C. Official Code § 46-303.14) is redesignated as section 315.

**Recodify
§ 46-303.15**

(16) Section 315 (D.C. Official Code § 46-303.15) is amended as follows:

**Recodify
§ 46-303.16**

(A) Redesignate the section as section 316.

(B) Subsection (a) is amended by striking the phrase “the petitioner in a responding tribunal” and inserting the phrase “a nonresident party who is an individual in a tribunal” in its place.

(C) Subsection (b) is amended to read as follows:

“(b) An affidavit, a document substantially complying with federally mandated forms, or a document incorporated by reference in any of them, which would not be excluded under the hearsay rule if given in person, is admissible in evidence if given under penalty of perjury by a party or witness residing in another state.”.

(D) Subsection (e) is amended by striking the word “writing” and inserting the word “record” in its place.

(E) Subsection (f) is amended by striking the word “may” and inserting the word “shall” in its place.

(F) A new subsection (j) is added to read as follows:

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

(17) Section 316 (D.C. Official Code § 46-303.16) is redesignated as section

**Recodify
§ 46-303.17**

317 and amended to read as follows:

“Sec. 317. Communications between tribunals.

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

(18) Section 317 (D.C. Official Code § 46-303.17) is redesignated as section 318.

Recodify
§ 46-303.18

(19) Section 318 (D.C. Official Code § 46-303.18) is amended as follows:

Recodify
§ 46-303.19

(A) Redesignate the section as section 319.

(B) Designate the existing text as subsection (a).

(C) New subsections (b) and (c) are added to read as follows:

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

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

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

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

(d) Title 4 is amended by amending section 401 (D.C. Official Code § 46-304.01) as follows:

Amend
§ 46-304.01

(1) Section (b) is amended to read as follows:

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

“(1) A presumed father of the child;

“(2) Petitioning to have his paternity adjudicated;

“(3) Identified as the father of the child through genetic testing;

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

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

“(6) An acknowledged father as provided by D.C. Official Code §§ 16-909.01 to 16.909.03 and 16-909.05;

“(7) The mother of the child; or

“(8) An individual who has been ordered to pay child support in a previous

proceeding and the order has not been reversed or vacated.”.

(2) Subsection (c) is amended by striking the phrase “(duties and powers of responding tribunal)”.

(e) Title 5 is amended as follows:

(1) Section 501 (D.C. Official Code § 46-305.01) is amended by striking the phrase “sent to the person or entity” and inserting the phrase “sent by or on behalf of the obligee, or by the support enforcement agency, to the person” in its place.

Amend
§ 46-305.01

(2) Section 502(c)(2) (D.C. Official Code § 46-305.02(c)(2)) is amended by striking the phrase “or agency”.

Amend
§ 46-305.02

(3) Section 503 (D.C. Official Code § 46-305.03) is amended to read as follows:
“Sec. 503. Employer’s compliance with 2 or more income-withholding orders.

Amend
§ 46-305.03

“If an obligor’s employer receives 2 or more income-withholding orders with respect to the earnings of the same obligor, the employer satisfies the terms of the orders if the employer complies with the law of the state of the obligor’s principal place of employment to establish the priorities for withholding and allocating income withheld for 2 or more child-support obligees.”.

(4) Section 506 (D.C. Official Code § 46-305.06) is amended as follows:

Amend
§ 46-305.06

(A) Subsection (a) is amended as follows:

(i) Strike the phrase “employer in the District” and insert the phrase “employer in the District by registering the order in a tribunal of the District and filing a contest to that order as provided in Title 6, or otherwise contesting the order” in its place.

(ii) Strike the sentence “Section 604 applies to the contest.”.

(B) Subsection (b) is amended as follows:

(i) Paragraph (2) is amended by striking the word “order” and inserting the phrase “order relating to the obligor” in its place.

(ii) Paragraph (3) is amended by striking the phrase “or agency” both times it appears.

(5) Section 507(a) (D.C. Official Code § 46-305.07(a)) is amended by striking the word “party” and inserting the phrase “party or support enforcement agency” in its place.

Amend
§ 46-305.07

(f) Title 6 is amended as follows:

(1) The heading is amended to read as follows: “TITLE 6. REGISTRATION, ENFORCEMENT, AND MODIFICATION OF SUPPORT ORDER.”.

(2) Section 601 (D.C. Official Code § 46-306.01) is amended by striking the word “an”.

Amend
§ 46-306.01

(3) Section 602 (D.C. Official Code § 46-306.02) is amended as follows:

Amend
§ 46-306.02

(A) Subsection (a) is amended as follows:

(i) The lead-in text is amended by striking the word “documents” and inserting the word “records” in its place.

(ii) Paragraph (2) is amended by striking the phrase “all orders” and inserting the phrase “the order” in its place, and by striking the phrase “an order” and

inserting the phrase “the order” in its place.

(iii) Paragraph (3) is amended by striking the phrase “party seeking” and inserting the phrase “person requesting” in its place.

(iv) Paragraph (5) is amended by striking the word “The” and inserting the phrase “Except as otherwise provided in section 312, the” in its place, and by striking the phrase “agency or”.

(B) New subsections (d) and (e) are added to read as follows:

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

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

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

“(3) Specify the amount of consolidated arrears, if any.

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

(4) Section 604 (D.C. Official Code § 46-306.04) is amended to read as follows: **Amend**

“Sec. 604. Choice of law. **§ 46-306.04**

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

“(1) The nature, extent, amount, and duration of current payments under a registered support order;

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

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

“(b) In a proceeding for arrears under a registered support order, the statute of limitation of the District or of the issuing state, whichever is longer, applies.

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

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

(5) Section 605 (D.C. Official Code § 46-306.05) is amended as follows: **Amend**

(A) Subsection (b) is amended by striking the phrase “The notice” and inserting the phrase “A notice” in its place. **§ 46-306.05**

(B) Redesignate subsection (c) as subsection (d).

(C) A new subsection (c) is added to read as follows:

“(c) If the registering party asserts that 2 or more orders are in effect, a notice must also:
 “(1) Identify the 2 or more orders and the order alleged by the registering person to be the controlling order and the consolidated arrears, if any;
 “(2) Notify the nonregistering party of the right to a determination of which is the controlling order;
 “(3) State that the procedures provided in subsection (b) of this section apply to the determination of which is the controlling order; and
 “(4) State that failure to contest the validity or enforcement of the order alleged to be the controlling order in a timely manner may result in confirmation that the order is the controlling order.”.

(6) Section 606(a) (D.C. Official Code § 46-306.06(a)) is amended by striking the phrase “(contest of registration or enforcement)”.

Amend
§ 46-306.06

(7) Section 607(a) (D.C. Official Code § 46-306.07(a)) is amended as follows:
 (A) Paragraph (6) is amended by striking the word “or” at the end.
 (B) Paragraph (7) is amended by striking the phrase “(choice of law)”, by striking the word “arrearages” and inserting the phrase “alleged arrearages” in its place, and by striking the period and inserting the phrase “; or” in its place.

Amend
§ 46-306.07

(C) A new paragraph (8) is added to read as follows:
 “(8) The alleged controlling order is not the controlling order.”.
 (8) Section 610 (D.C. Official Code § 46-306.10) is amended by striking the number “611” and inserting the phrase “611, 613, or 615” in its place, and by striking the phrase “(modification of child support order of another state)”.

Amend
§ 46-306.10

(9) Section 611 (D.C. Official Code § 46-306.11) is amended to read as follows:
 “Sec. 611. Modification of child-support order of another state.

Amend
§ 46-306.11

“(a) If section 613 does not apply, except as otherwise provided in section 615, upon petition, a tribunal of the District may modify a child-support order issued in another state which is registered in the District if, after notice and hearing, the tribunal finds that:

“(1) The following requirements are met:
 “(A) Neither the child, the obligee who is an individual, nor the obligor resides in the issuing state;

“(B) A petitioner who is a nonresident of the District seeks modification;
 and

“(C) The respondent is subject to the personal jurisdiction of the tribunal of the District; or

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

“(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 the District and the order may be enforced and satisfied in the same manner.

“(c) Except as otherwise provided in section 615, a tribunal of the District may not modify any aspect of a child-support order that may not be modified under the law of the issuing state, including the duration of the obligation of support. If 2 or more tribunals have issued child-support orders for the same obligor and same child, the order that controls and must be so recognized under section 207 establishes the aspects of the support order which are nonmodifiable.

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

“(e) On the issuance of an order by a tribunal of the District modifying a child-support order issued in another state, the tribunal of the District becomes the tribunal having continuing, exclusive jurisdiction.”

(10) Section 612 (D.C. Official Code § 46-306.12) is amended to read as follows:

Amend
§ 46-306.12

“Sec. 612. Recognition of order modified in another state.

“If a child-support order issued by a tribunal of the District is modified by a tribunal of another state which assumed jurisdiction pursuant to the Uniform Interstate Family Support Act, a tribunal of the District:

“(1) May enforce its order that was modified only as to arrears and interest accruing before the modification;

“(2) May provide appropriate relief for violations of its order which occurred before the effective date of the modification; and

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

(11) A new section 615 is added to read as follows:

“Sec. 615. Jurisdiction to modify child-support order of foreign country or political subdivision.

“(a) If a foreign country or political subdivision that is a state will not or may not modify its order pursuant to its laws, a tribunal of the District may assume jurisdiction to modify the child-support order and bind all individuals subject to the personal jurisdiction of the tribunal whether or not the consent to modification of a child-support order otherwise required of the individual pursuant to section 611 has been given or whether the individual seeking modification is a resident of the District or of the foreign country or political subdivision.

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

(g) Title 7 is amended by amending section 701 (D.C. Official Code § 46-307.01) to read as follows:

ENROLLED ORIGINAL

“Sec. 701. Proceeding to determine parentage.

Amend
§ 46-307.01

“A court of the District authorized to determine parentage of a child may serve as a responding tribunal in a proceeding to determine parentage brought under this act or a law or procedure substantially similar to this act.”.

(h) Title 8 is amended by amending section 802(b) (D.C. Official Code § 46-308.02(b)) by striking the phrase “the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act,”.

Amend
§ 46-308.02

(i) Title 9 is amended by amending section 901 (D.C. Official Code § 46-309.01) to read as follows:

Amend
§ 46-309.01

“Sec. 901. Uniformity of application and construction.

“In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.”.

Sec. 3. Applicability.

This act shall apply as of April 1, 2007.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia