
SENATE BILL 5498

State of Washington

64th Legislature

2015 Regular Session

By Senators Pedersen and O'Ban; by request of Department of Social and Health Services and Uniform Law Commission

Read first time 01/22/15. Referred to Committee on Law & Justice.

1 AN ACT Relating to revising the uniform interstate family support
2 act; amending RCW 26.21A.010, 26.21A.015, 26.21A.020, 26.21A.100,
3 26.21A.110, 26.21A.115, 26.21A.125, 26.21A.130, 26.21A.135,
4 26.21A.140, 26.21A.150, 26.21A.200, 26.21A.215, 26.21A.220,
5 26.21A.225, 26.21A.230, 26.21A.235, 26.21A.245, 26.21A.250,
6 26.21A.260, 26.21A.275, 26.21A.280, 26.21A.285, 26.21A.290,
7 26.21A.350, 26.21A.415, 26.21A.420, 26.21A.430, 26.21A.500,
8 26.21A.505, 26.21A.510, 26.21A.515, 26.21A.520, 26.21A.525,
9 26.21A.530, 26.21A.535, 26.21A.540, 26.21A.545, 26.21A.550, and
10 26.21A.570; adding new sections to chapter 26.21A RCW; repealing RCW
11 26.21A.105, 26.21A.145, and 26.21A.600; providing an effective date;
12 and declaring an emergency.

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

14 **Sec. 1.** RCW 26.21A.010 and 2002 c 198 s 102 are each amended to
15 read as follows:

16 In this chapter:

17 (1) "Child" means an individual, whether over or under the age of
18 majority, who is or is alleged to be owed a duty of support by the
19 individual's parent or who is or is alleged to be the beneficiary of
20 a support order directed to the parent.

1 (2) "Child support order" means a support order for a child,
2 including a child who has attained the age of majority under the law
3 of the issuing state or foreign country.

4 (3) "Convention" means the convention on the international
5 recovery of child support and other forms of family maintenance,
6 concluded at the Hague on November 23, 2007.

7 (4) "Duty of support" means an obligation imposed or imposable by
8 law to provide support for a child, spouse, or former spouse,
9 including an unsatisfied obligation to provide support.

10 ((+4)) (5) "Foreign country" means a country, including a
11 political subdivision thereof, other than the United States, that
12 authorizes the issuance of support orders and:

13 (a) Which has been declared under the law of the United States to
14 be a foreign reciprocating country;

15 (b) Which has established a reciprocal arrangement for child
16 support with this state as provided in RCW 26.21A.235;

17 (c) Which has enacted a law or established procedures for the
18 issuance and enforcement of support orders which are substantially
19 similar to the procedures under this chapter; or

20 (d) In which the convention is in force with respect to the
21 United States.

22 (6) "Foreign support order" means a support order of a foreign
23 tribunal.

24 (7) "Foreign tribunal" means a court, administrative agency, or
25 quasi-judicial entity of a foreign country which is authorized to
26 establish, enforce, or modify support orders or to determine
27 parentage of a child. The term includes a competent authority under
28 the convention.

29 (8) "Home state" means the state or foreign country in which a
30 child lived with a parent or a person acting as parent for at least
31 six consecutive months immediately preceding the time of filing of a
32 petition or comparable pleading for support and, if a child is less
33 than six months old, the state or foreign country in which the child
34 lived from birth with any of them. A period of temporary absence of
35 any of them is counted as part of the six-month or other period.

36 ((+5)) (9) "Income" includes earnings or other periodic
37 entitlements to money from any source and any other property subject
38 to withholding for support under the law of this state.

39 ((+6)) (10) "Income-withholding order" means an order or other
40 legal process directed to an obligor's employer or other debtor, as

1 defined by RCW 50.04.080, to withhold support from the income of the
2 obligor.

3 ~~((7)) "Initiating state" means a state from which a proceeding is~~
4 ~~forwarded or in which a proceeding is filed for forwarding to a~~
5 ~~responding state under this chapter or a law or procedure~~
6 ~~substantially similar to this chapter.~~

7 ~~(8))~~ (11) "Initiating tribunal" means the ~~((authorized))~~
8 tribunal ~~((in an initiating))~~ of a state or foreign country from
9 which a petition or comparable pleading is forwarded or in which a
10 petition or comparable pleading is filed for forwarding to another
11 state or foreign country.

12 (12) "Issuing foreign country" means the foreign country in which
13 a tribunal issues a support order or a judgment determining parentage
14 of a child.

15 ~~((9))~~ (13) "Issuing state" means the state in which a tribunal
16 issues a support order or ~~((renders))~~ a judgment determining
17 parentage of a child.

18 ~~((10))~~ (14) "Issuing tribunal" means the tribunal of a state or
19 foreign country that issues a support order or ~~((renders))~~ a judgment
20 determining parentage of a child.

21 ~~((11))~~ (15) "Law" includes decisional and statutory law and
22 rules having the force of law.

23 ~~((12))~~ (16) "Obligee" means:

24 (a) An individual to whom a duty of support is or is alleged to
25 be owed or in whose favor a support order has been issued or a
26 judgment determining parentage of a child has been ~~((rendered))~~
27 issued;

28 (b) A foreign country, state, or political subdivision of a state
29 to which the rights under a duty of support or support order have
30 been assigned or which has independent claims based on financial
31 assistance provided to an individual obligee in place of child
32 support; ~~((or))~~

33 (c) An individual seeking a judgment determining parentage of the
34 individual's child; or

35 (d) A person that is a creditor in a proceeding under Article 7
36 of this chapter.

37 ~~((13))~~ (17) "Obligor" means an individual, or the estate of a
38 decedent that:

39 (a) ~~((who))~~ Owes or is alleged to owe a duty of support;

1 (b) ~~((who))~~ Is alleged but has not been adjudicated to be a
2 parent of a child; ~~((or))~~

3 (c) ~~((who))~~ Is liable under a support order; or

4 (d) Is a debtor in a proceeding under Article 7 of this chapter.

5 ~~((+14))~~ (18) "Outside this state" means a location in another
6 state or a country other than the United States, whether or not the
7 country is a foreign country.

8 (19) "Person" means~~((+))~~ an individual, corporation, business
9 trust, estate, trust, partnership, limited liability company,
10 association, joint venture, public corporation, government~~((+))~~ or
11 governmental subdivision, agency, or instrumentality~~((+—public~~
12 ~~corporation+))~~ , or any other legal or commercial entity.

13 ~~((+15))~~ (20) "Record" means information that is inscribed on a
14 tangible medium or that is stored in an electronic or other medium
15 and is retrievable in perceivable form.

16 ~~((+16))~~ (21) "Register" means to record or file in a tribunal of
17 this state a support order or judgment determining parentage ~~((in the~~
18 ~~appropriate location for the recording or filing of foreign judgments~~
19 ~~generally or foreign support orders specifically))~~ of a child issued
20 in another state or a foreign country.

21 ~~((+17))~~ (22) "Registering tribunal" means a tribunal in which a
22 support order or judgment determining parentage of a child is
23 registered.

24 ~~((+18))~~ (23) "Responding state" means a state in which a
25 ~~((proceeding))~~ petition or comparable pleading for support or to
26 determine parentage of a child is filed or to which a ~~((proceeding))~~
27 petition or comparable pleading is forwarded for filing from ~~((an~~
28 ~~initiating))~~ another state ~~((under this chapter or a law or procedure~~
29 ~~substantially similar to this chapter))~~ or foreign country.

30 ~~((+19))~~ (24) "Responding tribunal" means the authorized tribunal
31 in a responding state or foreign country.

32 ~~((+20))~~ (25) "Spousal support order" means a support order for a
33 spouse or former spouse of the obligor.

34 ~~((+21))~~ (26) "State" means a state of the United States, the
35 District of Columbia, Puerto Rico, the United States Virgin Islands,
36 or any territory or insular possession ~~((subject to))~~ under the
37 jurisdiction of the United States. The term includes ~~((+)~~

38 ~~(+))~~ an Indian nation or tribe ~~((+and~~

39 ~~(b) A foreign country or political subdivision that:~~

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

3 ~~(ii) Has established a reciprocal arrangement for child support~~
4 ~~with this state as provided in RCW 26.21A.235; or~~

5 ~~(iii) Has enacted a law or established procedures for issuance~~
6 ~~and enforcement of support orders which are substantially similar to~~
7 ~~the procedures under this chapter)).~~

8 ~~((+22))~~ (27) "Support enforcement agency" means a public
9 official, governmental entity, or private agency authorized to
10 ~~((seek))~~:

11 (a) Seek enforcement of support orders or laws relating to the
12 duty of support;

13 (b) Seek establishment or modification of child support;

14 (c) Request determination of parentage of a child;

15 ~~((Location of))~~ Attempt to locate obligors or their assets;
16 or

17 (e) Request determination of the controlling child support order.

18 ~~((+23))~~ (28) "Support order" means a judgment, decree, order,
19 decision, or directive, whether temporary, final, or subject to
20 modification, issued ~~((by a tribunal))~~ in a state or foreign country
21 for the benefit of a child, a spouse, or a former spouse, ~~((that))~~
22 which provides for monetary support, health care, arrearages,
23 retroactive support, or reimbursement~~((, and))~~ for financial
24 assistance provided to an individual obligee in place of child
25 support. The term may include related costs and fees, interest,
26 income withholding, automatic adjustment, reasonable attorneys' fees,
27 and other relief.

28 ~~((+24))~~ (29) "Tribunal" means a court, administrative agency, or
29 quasi-judicial entity authorized to establish, enforce, or modify
30 support orders or to determine parentage of a child.

31 **Sec. 2.** RCW 26.21A.015 and 2002 c 198 s 103 are each amended to
32 read as follows:

33 (1) The superior court is the ~~((state))~~ tribunal for judicial
34 proceedings, and the department of social and health services
35 division of child support is the ~~((state))~~ tribunal for
36 administrative proceedings, of this state.

37 (2) The department of social and health services division of
38 child support is the support enforcement agency of this state.

1 **Sec. 3.** RCW 26.21A.020 and 2002 c 198 s 104 are each amended to
2 read as follows:

3 (1) Remedies provided by this chapter are cumulative and do not
4 affect the availability of remedies under other law(~~(, including))~~ or
5 the recognition of a foreign support order (~~(of a foreign country or~~
6 ~~political subdivision))~~) on the basis of comity.

7 (2) This chapter does not:

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

10 (b) Grant a tribunal of this state jurisdiction to render
11 judgment or issue an order relating to child custody or visitation in
12 a proceeding under this chapter.

13 **Sec. 4.** RCW 26.21A.100 and 2002 c 198 s 201 are each amended to
14 read as follows:

15 (1) In a proceeding to establish or enforce a support order or to
16 determine parentage of a child, a tribunal of this state may exercise
17 personal jurisdiction over a nonresident individual or the
18 individual's guardian or conservator if:

19 (a) The individual is personally served with a citation, summons,
20 or notice within this state;

21 (b) The individual submits to the jurisdiction of this state by
22 consent in a record, by entering a general appearance, or by filing a
23 responsive document having the effect of waiving any contest to
24 personal jurisdiction;

25 (c) The individual resided with the child in this state;

26 (d) The individual resided in this state and provided prenatal
27 expenses or support for the child;

28 (e) The child resides in this state as a result of the acts or
29 directives of the individual;

30 (f) The individual engaged in sexual intercourse in this state
31 and the child may have been conceived by that act of intercourse; or

32 (g) (~~The individual asserted parentage in the putative father~~
33 ~~registry maintained in this state by the state registrar of vital~~
34 ~~statistics; or~~

35 ~~(h))~~) There is any other basis consistent with the constitutions
36 of this state and the United States for the exercise of personal
37 jurisdiction.

38 (2) The bases of personal jurisdiction set forth in subsection
39 (1) of this section or in any other law of this state may not be used

1 to acquire personal jurisdiction for a tribunal of (~~the~~) this state
2 to modify a child support order of another state unless the
3 requirements of RCW 26.21A.550 (~~or 26.21A.570~~) are met, or, in the
4 case of a foreign support order, unless the requirements of RCW
5 26.21A.570 are met.

6 (~~(3) Personal jurisdiction acquired under subsection (1) of this~~
7 ~~section continues so long as the tribunal of this state that acquired~~
8 ~~personal jurisdiction has continuing, exclusive jurisdiction to~~
9 ~~enforce or modify its order.))~~

10 **Sec. 5.** RCW 26.21A.110 and 2002 c 198 s 203 are each amended to
11 read as follows:

12 Under this chapter, a tribunal of this state may serve as an
13 initiating tribunal to forward proceedings to a tribunal of another
14 state and as a responding tribunal for proceedings initiated in
15 another state or a foreign country.

16 **Sec. 6.** RCW 26.21A.115 and 2002 c 198 s 204 are each amended to
17 read as follows:

18 (1) A tribunal of this state may exercise jurisdiction to
19 establish a support order if the petition or comparable pleading is
20 filed after a (~~petition or comparable~~) pleading is filed in another
21 state or a foreign country only if:

22 (a) The petition or comparable pleading in this state is filed
23 before the expiration of the time allowed in the other state or the
24 foreign country for filing a responsive pleading challenging the
25 exercise of jurisdiction by the other state or the foreign country;

26 (b) The contesting party timely challenges the exercise of
27 jurisdiction in the other state or the foreign country; and

28 (c) If relevant, this state is the home state of the child.

29 (2) A tribunal of this state may not exercise jurisdiction to
30 establish a support order if the petition or comparable pleading is
31 filed before a petition or comparable pleading is filed in another
32 state or a foreign country if:

33 (a) The petition or comparable pleading in the other state or
34 foreign country is filed before the expiration of the time allowed in
35 this state for filing a responsive pleading challenging the exercise
36 of jurisdiction by this state;

37 (b) The contesting party timely challenges the exercise of
38 jurisdiction in this state; and

1 (c) If relevant, the other state or foreign country is the home
2 state of the child.

3 **Sec. 7.** RCW 26.21A.125 and 2002 c 198 s 206 are each amended to
4 read as follows:

5 (1) A tribunal of this state that has issued a child support
6 order consistent with the law of this state may serve as an
7 initiating tribunal to request a tribunal of another state to
8 enforce:

9 (a) The order if the order is the controlling order and has not
10 been modified by a tribunal of another state that assumed
11 jurisdiction pursuant to the uniform interstate family support act;
12 or

13 (b) A money judgment for arrears of support and interest on the
14 order accrued before a determination that an order of a tribunal of
15 (~~either~~) another state is the controlling order.

16 (2) A tribunal of this state having continuing jurisdiction over
17 a support order may act as a responding tribunal to enforce the
18 order.

19 **Sec. 8.** RCW 26.21A.130 and 2002 c 198 s 207 are each amended to
20 read as follows:

21 (1) If a proceeding is brought under this chapter and only one
22 tribunal has issued a child support order, the order of that tribunal
23 controls and must be so recognized.

24 (2) If a proceeding is brought under this chapter, and two or
25 more child support orders have been issued by tribunals of this
26 state, or another state, or a foreign country with regard to the same
27 obligor and same child, a tribunal of this state having personal
28 jurisdiction over both the obligor and individual obligee shall apply
29 the following rules and by order shall determine which order controls
30 and must be recognized:

31 (a) If only one of the tribunals would have continuing, exclusive
32 jurisdiction under this chapter, the order of that tribunal controls
33 (~~and must be so recognized~~).

34 (b) If more than one of the tribunals would have continuing,
35 exclusive jurisdiction under this chapter(~~(7)~~):

36 (i) An order issued by a tribunal in the current home state of
37 the child controls(~~(. However,~~)); or

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

3 (c) If none of the tribunals would have continuing, exclusive
4 jurisdiction under this chapter, the tribunal of this state shall
5 issue a child support order, which controls.

6 (3) If two or more child support orders have been issued for the
7 same obligor and same child, upon request of a party who is an
8 individual or that is a support enforcement agency, a tribunal of
9 this state having personal jurisdiction over both the obligor and the
10 obligee who is an individual shall determine which order controls
11 under subsection (2) of this section. The request may be filed with a
12 registration for enforcement or registration for modification
13 pursuant to Article 6 of this chapter, or may be filed as a separate
14 proceeding.

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

20 (5) The tribunal that issued the controlling order under
21 subsection (1), (2), or (3) of this section has continuing
22 jurisdiction to the extent provided in RCW 26.21A.120 or 26.21A.125.

23 (6) A tribunal of this state that determines by order which is
24 the controlling order under subsection (2)(a) or (b) or (3) of this
25 section or that issues a new controlling order under subsection
26 (2)(c) of this section shall state in that order:

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

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

29 (c) The total amount of consolidated arrears and accrued
30 interest, if any, under all of the orders after all payments made are
31 credited as provided by RCW 26.21A.140.

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

1 (8) An order that has been determined to be the controlling
2 order, or a judgment for consolidated arrears of support and
3 interest, if any, made pursuant to this section must be recognized in
4 proceedings under this chapter.

5 **Sec. 9.** RCW 26.21A.135 and 2002 c 198 s 208 are each amended to
6 read as follows:

7 In responding to registrations or petitions for enforcement of
8 two or more child support orders in effect at the same time with
9 regard to the same obligor and different individual obligees, at
10 least one of which was issued by a tribunal of another state or a
11 foreign country, a tribunal of this state shall enforce those orders
12 in the same manner as if the orders had been issued by a tribunal of
13 this state.

14 **Sec. 10.** RCW 26.21A.140 and 2002 c 198 s 209 are each amended to
15 read as follows:

16 A tribunal of this state shall credit amounts collected for a
17 particular period pursuant to any child support order against the
18 amounts owed for the same period under any other child support order
19 for support of the same child issued by a tribunal of this ~~((or))~~
20 state, another state, or a foreign country.

21 **Sec. 11.** RCW 26.21A.150 and 2002 c 198 s 211 are each amended to
22 read as follows:

23 (1) A tribunal of this state issuing a spousal support order
24 consistent with the law of this state has continuing, exclusive
25 jurisdiction to modify the spousal support order throughout the
26 existence of the support obligation.

27 (2) A tribunal of this state may not modify a spousal support
28 order issued by a tribunal of another state or a foreign country
29 having continuing, exclusive jurisdiction over that order under the
30 law of that state or foreign country.

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

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

35 (b) A responding tribunal to enforce or modify its own spousal
36 support order.

1 **Sec. 12.** RCW 26.21A.200 and 2002 c 198 s 301 are each amended to
2 read as follows:

3 (1) Except as otherwise provided in this chapter, this article
4 applies to all proceedings under this chapter.

5 (2) An individual petitioner or a support enforcement agency may
6 initiate a proceeding authorized under this chapter by filing a
7 petition in an initiating tribunal for forwarding to a responding
8 tribunal or by filing a petition or a comparable pleading directly in
9 a tribunal of another state or a foreign country which has or can
10 obtain personal jurisdiction over the respondent.

11 **Sec. 13.** RCW 26.21A.215 and 2002 c 198 s 304 are each amended to
12 read as follows:

13 (1) Upon the filing of a petition authorized by this chapter, an
14 initiating tribunal of this state shall forward the petition and its
15 accompanying documents:

16 (a) To the responding tribunal or appropriate support enforcement
17 agency in the responding state; or

18 (b) If the identity of the responding tribunal is unknown, to the
19 state information agency of the responding state with a request that
20 they be forwarded to the appropriate tribunal and that receipt be
21 acknowledged.

22 (2) If requested by the responding tribunal, a tribunal of this
23 state shall issue a certificate or other document and make findings
24 required by the law of the responding state. If the responding
25 ((state)) tribunal is in a foreign country ((~~or political~~
26 ~~subdivision~~)), upon request the tribunal of this state shall specify
27 the amount of support sought, convert that amount into the equivalent
28 amount in the foreign currency under applicable official or market
29 exchange rate((s)) as publicly reported, and provide any other
30 documents necessary to satisfy the requirements of the responding
31 ((state)) foreign tribunal.

32 **Sec. 14.** RCW 26.21A.220 and 2002 c 198 s 305 are each amended to
33 read as follows:

34 (1) When a responding tribunal of this state receives a petition
35 or comparable pleading from an initiating tribunal or directly
36 pursuant to RCW 26.21A.200(2), it shall cause the petition or
37 pleading to be filed and notify the petitioner where and when it was
38 filed.

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

3 (a) (~~Issue~~) Establish or enforce a support order, modify a
4 child support order, determine the controlling child support order,
5 or determine parentage of a child;

6 (b) Order an obligor to comply with a support order, specifying
7 the amount and the manner of compliance;

8 (c) Order income withholding;

9 (d) Determine the amount of any arrearages, and specify a method
10 of payment;

11 (e) Enforce orders by civil or criminal contempt, or both;

12 (f) Set aside property for satisfaction of the support order;

13 (g) Place liens and order execution on the obligor's property;

14 (h) Order an obligor to keep the tribunal informed of the
15 obligor's current residential address, email address, telephone
16 number, employer, address of employment, and telephone number at the
17 place of employment;

18 (i) Issue a bench warrant (~~or writ of arrest~~) for an obligor
19 who has failed after proper notice to appear at a hearing ordered by
20 the tribunal and enter the bench warrant (~~or writ of arrest~~) in any
21 local and state computer systems for criminal warrants;

22 (j) Order the obligor to seek appropriate employment by specified
23 methods;

24 (k) Award reasonable attorneys' fees and other fees and costs;
25 and

26 (l) Grant any other available remedy.

27 (3) A responding tribunal of this state shall include in a
28 support order issued under this chapter, or in the documents
29 accompanying the order, the calculations on which the support order
30 is based.

31 (4) A responding tribunal of this state may not condition the
32 payment of a support order issued under this chapter upon compliance
33 by a party with provisions for visitation.

34 (5) If a responding tribunal of this state issues an order under
35 this chapter, the tribunal shall send a copy of the order to the
36 petitioner and the respondent and to the initiating tribunal, if any.

37 (6) If requested to enforce a support order, arrears, or judgment
38 or modify a support order stated in a foreign currency, a responding
39 tribunal of this state shall convert the amount stated in the foreign

1 currency to the equivalent amount in dollars under the applicable
2 official or market exchange rate((s)) as publicly reported.

3 **Sec. 15.** RCW 26.21A.225 and 2002 c 198 s 306 are each amended to
4 read as follows:

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

10 **Sec. 16.** RCW 26.21A.230 and 2002 c 198 s 307 are each amended to
11 read as follows:

12 (1) A support enforcement agency of this state, upon request,
13 shall provide services to a petitioner in a proceeding under this
14 chapter.

15 (2) A support enforcement agency of this state that is providing
16 services to the petitioner shall:

17 (a) Take all steps necessary to enable an appropriate tribunal
18 ((in)) of this state ((or)), another state, or a foreign country to
19 obtain jurisdiction over the respondent;

20 (b) Request an appropriate tribunal to set a date, time, and
21 place for a hearing;

22 (c) Make a reasonable effort to obtain all relevant information,
23 including information as to income and property of the parties;

24 (d) Within two days, exclusive of Saturdays, Sundays, and legal
25 holidays, after receipt of a written notice in a record from an
26 initiating, responding, or registering tribunal, send a copy of the
27 notice to the petitioner;

28 (e) Within two days, exclusive of Saturdays, Sundays, and legal
29 holidays, after receipt of a written communication in a record from
30 the respondent or the respondent's attorney, send a copy of the
31 communication to the petitioner; and

32 (f) Notify the petitioner if jurisdiction over the respondent
33 cannot be obtained.

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

37 (a) To ensure that the order to be registered is the controlling
38 order; or

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

5 (4) A support enforcement agency of this state that requests
6 registration and enforcement of a support order, arrears, or judgment
7 stated in a foreign currency shall convert the amounts stated in the
8 foreign currency into the equivalent amounts in dollars under the
9 applicable official or market exchange rate((s)) as publicly
10 reported.

11 (5) A support enforcement agency of this state shall issue or
12 request a tribunal of this state to issue a child support order and
13 an income-withholding order that redirect payment of current support,
14 arrears, and interest if requested to do so by a support enforcement
15 agency of another state pursuant to RCW 26.21A.290.

16 (6) This chapter does not create or negate a relationship of
17 attorney and client or other fiduciary relationship between a support
18 enforcement agency or the attorney for the agency and the individual
19 being assisted by the agency.

20 **Sec. 17.** RCW 26.21A.235 and 2002 c 198 s 308 are each amended to
21 read as follows:

22 (1) If the appropriate state official or agency determines that
23 the support enforcement agency is neglecting or refusing to provide
24 services to an individual, the state official or agency may order the
25 agency to perform its duties under this chapter or may provide those
26 services directly to the individual.

27 (2) The appropriate state official or agency may determine that a
28 foreign country ((~~or political subdivision~~)) has established a
29 reciprocal arrangement for child support with this state and take
30 appropriate action for notification of the determination.

31 **Sec. 18.** RCW 26.21A.245 and 2002 c 198 s 310 are each amended to
32 read as follows:

33 (1) The Washington state support registry under chapter 26.23 RCW
34 is the state information agency under this chapter.

35 (2) The state information agency shall:

36 (a) Compile and maintain a current list, including addresses, of
37 the tribunals in this state ((~~that~~)) which have jurisdiction under

1 this chapter and any support enforcement agencies in this state and
2 transmit a copy to the state information agency of every other state;

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

5 (c) Forward to the appropriate tribunal in the county in this
6 state in which the obligee who is an individual or the obligor
7 resides, or in which the obligor's property is believed to be
8 located, all documents concerning a proceeding under this chapter
9 received from (~~(an initiating tribunal or the state information~~
10 ~~agency of the initiating)) another state or a foreign country; and~~

11 (d) Obtain information concerning the location of the obligor and
12 the obligor's property within this state not exempt from execution,
13 by such means as postal verification and federal or state locator
14 services, examination of telephone directories, requests for the
15 obligor's address from employers, and examination of governmental
16 records, including, to the extent not prohibited by other law, those
17 relating to real property, vital statistics, law enforcement,
18 taxation, motor vehicles, driver's licenses, and social security.

19 **Sec. 19.** RCW 26.21A.250 and 2002 c 198 s 311 are each amended to
20 read as follows:

21 (1) In a proceeding under this chapter, a petitioner seeking to
22 establish a support order, to determine parentage of a child, or to
23 register and modify a support order of a tribunal of another state or
24 a foreign country must file a petition. Unless otherwise ordered
25 under RCW 26.21A.255, the petition or accompanying documents must
26 provide, so far as known, the name, residential address, and social
27 security numbers of the obligor and the obligee or the parent and
28 alleged parent, and the name, sex, residential address, social
29 security number, and date of birth of each child for whose benefit
30 support is sought or whose parentage is to be determined. Unless
31 filed at the time of registration, the petition must be accompanied
32 by a copy of any support order known to have been issued by another
33 tribunal. The petition may include any other information that may
34 assist in locating or identifying the respondent.

35 (2) The petition must specify the relief sought. The petition and
36 accompanying documents must conform substantially with the
37 requirements imposed by the forms mandated by federal law for use in
38 cases filed by a support enforcement agency.

1 ~~((3) A petitioner seeking to establish or modify a support order~~
2 ~~or to determine parentage in a proceeding under this chapter shall~~
3 ~~file a properly completed confidential information form or equivalent~~
4 ~~as described in RCW 26.23.050 to satisfy the requirements of~~
5 ~~subsection (1) of this section. A completed confidential information~~
6 ~~form shall be deemed an "accompanying document" under subsection (1)~~
7 ~~of this section.))~~

8 **Sec. 20.** RCW 26.21A.260 and 2002 c 198 s 313 are each amended to
9 read as follows:

10 (1) The petitioner may not be required to pay a filing fee or
11 other costs.

12 (2) If an obligee prevails, a responding tribunal of this state
13 may assess against an obligor filing fees, reasonable attorneys'
14 fees, other costs, and necessary travel and other reasonable expenses
15 incurred by the obligee and the obligee's witnesses. The tribunal may
16 not assess fees, costs, or expenses against the obligee or the
17 support enforcement agency of either the initiating or ~~((the))~~
18 responding state or foreign country, except as provided by other law.
19 Attorneys' fees may be taxed as costs, and may be ordered paid
20 directly to the attorney, who may enforce the order in the attorney's
21 own name. Payment of support owed to the obligee has priority over
22 fees, costs, and expenses.

23 (3) The tribunal shall order the payment of costs and reasonable
24 attorneys' fees if it determines that a hearing was requested
25 primarily for delay. In a proceeding under Article 6 of this chapter,
26 a hearing is presumed to have been requested primarily for delay if a
27 registered support order is confirmed or enforced without change.

28 **Sec. 21.** RCW 26.21A.275 and 2002 c 198 s 316 are each amended to
29 read as follows:

30 (1) The physical presence of a nonresident party who is an
31 individual in a tribunal of this state is not required for the
32 establishment, enforcement, or modification of a support order or the
33 rendition of a judgment determining parentage of a child.

34 (2) An affidavit, a document substantially complying with
35 federally mandated forms, or a document incorporated by reference in
36 any of them, ~~((that))~~ which would not be excluded under the hearsay
37 rule if given in person, is admissible in evidence if given under

1 penalty of perjury by a party or witness residing (~~in another~~)
2 outside this state.

3 (3) A copy of the record of child support payments certified as a
4 true copy of the original by the custodian of the record may be
5 forwarded to a responding tribunal. The copy is evidence of facts
6 asserted in it, and is admissible to show whether payments were made.

7 (4) Copies of bills for testing for parentage of a child, and for
8 prenatal and postnatal health care of the mother and child, furnished
9 to the adverse party at least ten days before trial, are admissible
10 in evidence to prove the amount of the charges billed and that the
11 charges were reasonable, necessary, and customary.

12 (5) Documentary evidence transmitted from (~~another~~) outside
13 this state to a tribunal of this state by telephone, telecopier, or
14 other electronic means that do not provide an original record may not
15 be excluded from evidence on an objection based on the means of
16 transmission.

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

25 (7) If a party called to testify at a civil hearing refuses to
26 answer on the ground that the testimony may be self-incriminating,
27 the trier of fact may draw an adverse inference from the refusal.

28 (8) A privilege against disclosure of communications between
29 spouses does not apply in a proceeding under this chapter.

30 (9) The defense of immunity based on the relationship of husband
31 and wife or parent and child does not apply in a proceeding under
32 this chapter.

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

35 **Sec. 22.** RCW 26.21A.280 and 2002 c 198 s 317 are each amended to
36 read as follows:

37 A tribunal of this state may communicate with a tribunal (~~of~~
38 ~~another~~) outside this state (~~or foreign country or political~~
39 ~~subdivision~~) in a record, or by telephone, email, or other means, to

1 obtain information concerning the laws, the legal effect of a
2 judgment, decree, or order of that tribunal, and the status of a
3 proceeding (~~in the other state or foreign country or political~~
4 ~~subdivision~~). A tribunal of this state may furnish similar
5 information by similar means to a tribunal (~~of another~~) outside
6 this state (~~or foreign country or political subdivision~~).

7 **Sec. 23.** RCW 26.21A.285 and 2002 c 198 s 318 are each amended to
8 read as follows:

9 A tribunal of this state may:

10 (1) Request a tribunal (~~of another~~) outside this state to
11 assist in obtaining discovery; and

12 (2) Upon request, compel a person over (~~whom~~) which it has
13 jurisdiction to respond to a discovery order issued by a tribunal
14 (~~of another~~) outside this state.

15 **Sec. 24.** RCW 26.21A.290 and 2002 c 198 s 319 are each amended to
16 read as follows:

17 (1) A support enforcement agency or tribunal of this state shall
18 disburse promptly any amounts received pursuant to a support order,
19 as directed by the order. The agency or tribunal shall furnish to a
20 requesting party or tribunal of another state or a foreign country a
21 certified statement by the custodian of the record of the amounts and
22 dates of all payments received.

23 (2) If neither the obligor, nor the obligee who is an individual,
24 (~~or~~) nor the child (~~does not~~) resides in this state, upon request
25 from the support enforcement agency of this state or another state,
26 the support enforcement agency of this state or a tribunal of this
27 state shall:

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

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

34 (3) The support enforcement agency of this state receiving
35 redirected payments from another state pursuant to a law similar to
36 subsection (2) of this section shall furnish to a requesting party or
37 tribunal of the other state a certified statement by the custodian of
38 the record of the amount and dates of all payments received.

1 **Sec. 25.** RCW 26.21A.350 and 2002 c 198 s 401 are each amended to
2 read as follows:

3 (1) If a support order entitled to recognition under this chapter
4 has not been issued, a responding tribunal of this state with
5 personal jurisdiction over the parties may issue a support order if:

6 (a) The individual seeking the order resides (~~(in another)~~)
7 outside this state; or

8 (b) The support enforcement agency seeking the order is located
9 (~~(in another)~~) outside this state.

10 (2) The tribunal may issue a temporary child support order if the
11 tribunal determines that such an order is appropriate and the
12 individual ordered to pay is:

13 (a) A presumed father of the child;

14 (b) Petitioning to have his paternity adjudicated;

15 (c) Identified as the father of the child through genetic
16 testing;

17 (d) An alleged father who has declined to submit to genetic
18 testing;

19 (e) Shown by clear and convincing evidence to be the father of
20 the child;

21 (f) An acknowledged father as provided by applicable state law;

22 (g) The mother of the child; or

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

25 (3) Upon finding, after notice and opportunity to be heard, that
26 an obligor owes a duty of support, the tribunal shall issue a support
27 order directed to the obligor and may issue other orders pursuant to
28 RCW 26.21A.220.

29 **Sec. 26.** RCW 26.21A.415 and 2002 c 198 s 504 are each amended to
30 read as follows:

31 An employer (~~(who)~~) that complies with an income-withholding
32 order issued in another state in accordance with this article is not
33 subject to civil liability to an individual or agency with regard to
34 the employer's withholding of child support from the obligor's
35 income.

36 **Sec. 27.** RCW 26.21A.420 and 2002 c 198 s 505 are each amended to
37 read as follows:

1 An employer (~~who~~) that willfully fails to comply with an
2 income-withholding order issued (~~by~~) in another state and received
3 for enforcement is subject to the same penalties that may be imposed
4 for noncompliance with an order issued by a tribunal of this state.

5 **Sec. 28.** RCW 26.21A.430 and 2002 c 198 s 507 are each amended to
6 read as follows:

7 (1) A party or support enforcement agency seeking to enforce a
8 support order or an income-withholding order, or both, issued (~~by a~~
9 ~~tribunal of~~) in another state or a foreign support order may send
10 the documents required for registering the order to a support
11 enforcement agency of this state.

12 (2) Upon receipt of the documents, the support enforcement
13 agency, without initially seeking to register the order, shall
14 consider and, if appropriate, use any administrative procedure
15 authorized by the law of this state to enforce a support order or an
16 income-withholding order, or both. If the obligor does not contest
17 administrative enforcement, the order need not be registered. If the
18 obligor contests the validity or administrative enforcement of the
19 order, the support enforcement agency shall register the order
20 pursuant to this chapter.

21 **Sec. 29.** RCW 26.21A.500 and 2002 c 198 s 601 are each amended to
22 read as follows:

23 A support order or income-withholding order issued (~~by a~~
24 ~~tribunal of~~) in another state or a foreign support order may be
25 registered in this state for enforcement.

26 **Sec. 30.** RCW 26.21A.505 and 2002 c 198 s 602 are each amended to
27 read as follows:

28 (1) Except as otherwise provided in section 51 of this act, a
29 support order or income-withholding order of another state or a
30 foreign support order may be registered in this state by sending the
31 following records (~~and information~~) to the appropriate tribunal in
32 this state:

33 (a) A letter of transmittal to the tribunal requesting
34 registration and enforcement;

35 (b) Two copies, including one certified copy, of the order to be
36 registered, including any modification of the order;

1 (c) A sworn statement by the person requesting registration or a
2 certified statement by the custodian of the records showing the
3 amount of any arrearage;

4 (d) The name of the obligor and, if known:

5 (i) The obligor's address and social security number;

6 (ii) The name and address of the obligor's employer and any other
7 source of income of the obligor; and

8 (iii) A description and the location of property of the obligor
9 in this state not exempt from execution; and

10 (e) Except as otherwise provided in RCW 26.21A.255, the name and
11 address of the obligee and, if applicable, the person to whom support
12 payments are to be remitted.

13 (2) On receipt of a request for registration, the registering
14 tribunal shall cause the order to be filed as (~~(a foreign judgment)~~)
15 an order of a tribunal of another state or a foreign support order,
16 together with one copy of the documents and information, regardless
17 of their form.

18 (3) A petition or comparable pleading seeking a remedy that must
19 be affirmatively sought under other law of this state may be filed at
20 the same time as the request for registration or later. The pleading
21 must specify the grounds for the remedy sought.

22 (4) If two or more orders are in effect, the person requesting
23 registration shall:

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

27 (b) Specify the order alleged to be the controlling order, if
28 any; and

29 (c) Specify the amount of consolidated arrears, if any.

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

35 **Sec. 31.** RCW 26.21A.510 and 2002 c 198 s 603 are each amended to
36 read as follows:

37 (1) A support order or income-withholding order issued in another
38 state or a foreign support order is registered when the order is
39 filed in the registering tribunal of this state.

1 (2) A registered support order issued in another state or a
2 foreign country is enforceable in the same manner and is subject to
3 the same procedures as an order issued by a tribunal of this state.

4 (3) Except as otherwise provided in this (~~article~~) chapter, a
5 tribunal of this state shall recognize and enforce, but may not
6 modify, a registered support order if the issuing tribunal had
7 jurisdiction.

8 **Sec. 32.** RCW 26.21A.515 and 2002 c 198 s 604 are each amended to
9 read as follows:

10 (1) Except as otherwise provided in subsection (4) of this
11 section, the law of the issuing state or foreign country governs:

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

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

17 (c) The existence and satisfaction of other obligations under the
18 (~~registered~~) support order.

19 (2) In a proceeding for arrears under a registered support order,
20 the statute of limitation of this state or of the issuing state or
21 foreign country, whichever is longer, applies.

22 (3) A responding tribunal of this state shall apply the
23 procedures and remedies of this state to enforce current support and
24 collect arrears and interest due on a support order of another state
25 or foreign country registered in this state.

26 (4) After a tribunal of this or another state determines which is
27 the controlling order and issues an order consolidating arrears, if
28 any, a tribunal of this state shall prospectively apply the law of
29 the state or foreign country issuing the (~~registered~~) controlling
30 order, including its law on interest on arrears, on current and
31 future support, and on consolidated arrears.

32 **Sec. 33.** RCW 26.21A.520 and 2002 c 198 s 605 are each amended to
33 read as follows:

34 (1) When a support order or income-withholding order issued in
35 another state or a foreign support order is registered, the
36 registering tribunal of this state shall notify the nonregistering
37 party. The notice must be accompanied by a copy of the registered

1 order and the documents and relevant information accompanying the
2 order.

3 (2) A notice must inform the nonregistering party:

4 (a) That a registered order is enforceable as of the date of
5 registration in the same manner as an order issued by a tribunal of
6 this state;

7 (b) That a hearing to contest the validity or enforcement of the
8 registered order must be requested within twenty days after notice
9 unless the registered order is under section 52 of this act;

10 (c) That failure to contest the validity or enforcement of the
11 registered order in a timely manner will result in confirmation of
12 the order and enforcement of the order and the alleged arrearages;
13 and

14 (d) Of the amount of any alleged arrearages.

15 (3) If the registering party asserts that two or more orders are
16 in effect, a notice must also:

17 (a) Identify the two or more orders and the order alleged by the
18 registering (~~(person)~~) party to be the controlling order and the
19 consolidated arrears, if any;

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

22 (c) State that the procedures provided in subsection (2) of this
23 section apply to the determination of which is the controlling order;
24 and

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

28 (4) Upon registration of an income-withholding order for
29 enforcement, the support enforcement agency or the registering
30 tribunal shall notify the obligor's employer pursuant to the income-
31 withholding law of this state.

32 **Sec. 34.** RCW 26.21A.525 and 2002 c 198 s 606 are each amended to
33 read as follows:

34 (1) A nonregistering party seeking to contest the validity or
35 enforcement of a registered support order in this state shall request
36 a hearing within (~~(twenty days after notice of the registration)~~) the
37 time required by RCW 26.21A.520. The nonregistering party may seek to
38 vacate the registration, to assert any defense to an allegation of
39 noncompliance with the registered order, or to contest the remedies

1 being sought or the amount of any alleged arrearages pursuant to RCW
2 26.21A.530.

3 (2) If the nonregistering party fails to contest the validity or
4 enforcement of the registered order in a timely manner, the order is
5 confirmed by operation of law.

6 (3) If a nonregistering party requests a hearing to contest the
7 validity or enforcement of the registered order, the registering
8 tribunal shall schedule the matter for hearing and give notice to the
9 parties of the date, time, and place of the hearing.

10 **Sec. 35.** RCW 26.21A.530 and 2002 c 198 s 607 are each amended to
11 read as follows:

12 (1) A party contesting the validity or enforcement of a
13 registered support order or seeking to vacate the registration has
14 the burden of proving one or more of the following defenses:

15 (a) The issuing tribunal lacked personal jurisdiction over the
16 contesting party;

17 (b) The order was obtained by fraud;

18 (c) The order has been vacated, suspended, or modified by a later
19 order;

20 (d) The issuing tribunal has stayed the order pending appeal;

21 (e) There is a defense under the law of this state to the remedy
22 sought;

23 (f) Full or partial payment has been made;

24 (g) The statute of limitation under RCW 26.21A.515 precludes
25 enforcement of some or all of the alleged arrearages; or

26 (h) The alleged controlling order is not the controlling order.

27 (2) If a party presents evidence establishing a full or partial
28 defense under subsection (1) of this section, a tribunal may stay
29 enforcement of ~~((the))~~ a registered support order, continue the
30 proceeding to permit production of additional relevant evidence, and
31 issue other appropriate orders. An uncontested portion of the
32 registered support order may be enforced by all remedies available
33 under the law of this state.

34 (3) If the contesting party does not establish a defense under
35 subsection (1) of this section to the validity or enforcement of
36 ~~((the))~~ a registered support order, the registering tribunal shall
37 issue an order confirming the order.

1 **Sec. 36.** RCW 26.21A.535 and 2002 c 198 s 608 are each amended to
2 read as follows:

3 Confirmation of a registered support order, whether by operation
4 of law or after notice and hearing, precludes further contest of the
5 order with respect to any matter that could have been asserted at the
6 time of registration.

7 **Sec. 37.** RCW 26.21A.540 and 2002 c 198 s 609 are each amended to
8 read as follows:

9 A party or support enforcement agency seeking to modify, or to
10 modify and enforce, a child support order issued in another state
11 shall register that order in this state in the same manner provided
12 in (~~Part 1 of this article~~) RCW 26.21A.500 through 26.21A.535 if
13 the order has not been registered. A petition for modification may be
14 filed at the same time as a request for registration, or later. The
15 pleading must specify the grounds for modification.

16 **Sec. 38.** RCW 26.21A.545 and 2002 c 198 s 610 are each amended to
17 read as follows:

18 A tribunal of this state may enforce a child support order of
19 another state registered for purposes of modification, in the same
20 manner as if the order had been issued by a tribunal of this state,
21 but the registered support order may be modified only if the
22 requirements of RCW 26.21A.550 or 26.21A.560 have been met.

23 **Sec. 39.** RCW 26.21A.550 and 2002 c 198 s 611 are each amended to
24 read as follows:

25 (1) If RCW 26.21A.560 does not apply, (~~except as otherwise~~
26 ~~provided in RCW 26.21A.570,~~) upon petition a tribunal of this state
27 may modify a child support order issued in another state which is
28 registered in this state if, after notice and hearing the tribunal
29 finds that:

30 (a) The following requirements are met:

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

33 (ii) A petitioner who is a nonresident of this state seeks
34 modification; and

35 (iii) The respondent is subject to the personal jurisdiction of
36 the tribunal of this state; or

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

7 (2) Modification of a registered child support order is subject
8 to the same requirements, procedures, and defenses that apply to the
9 modification of an order issued by a tribunal of this state and the
10 order may be enforced and satisfied in the same manner.

11 (3) (~~Except as otherwise provided in RCW 26.21A.570,~~) A
12 tribunal of this state may not modify any aspect of a child support
13 order that may not be modified under the law of the issuing state,
14 including the duration of the obligation of support. If two or more
15 tribunals have issued child support orders for the same obligor and
16 same child, the order that controls and must be so recognized under
17 RCW 26.21A.130 establishes the aspects of the support order (~~that~~)
18 which are nonmodifiable.

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

25 (5) On the issuance of an order by a tribunal of this state
26 modifying a child support order issued in another state, the tribunal
27 of this state becomes the tribunal having continuing, exclusive
28 jurisdiction.

29 (6) Notwithstanding subsections (1) through (5) of this section
30 and RCW 26.21A.100(2), a tribunal of this state retains jurisdiction
31 to modify an order issued by a tribunal of this state if:

32 (a) One party resides in another state; and

33 (b) The other party resides outside the United States.

34 **Sec. 40.** RCW 26.21A.570 and 2002 c 198 s 615 are each amended to
35 read as follows:

36 (1) Except as otherwise provided in section 56 of this act, if a
37 foreign country (~~or political subdivision that is a state will not~~
38 ~~or may not modify its order~~) lacks or refuses to exercise
39 jurisdiction to modify its child support order pursuant to its laws,

1 a tribunal of this state may assume jurisdiction to modify the child
2 support order and bind all individuals subject to the personal
3 jurisdiction of the tribunal whether or not the consent to
4 modification of a child support order otherwise required of the
5 individual pursuant to RCW 26.21A.550 has been given or whether the
6 individual seeking modification is a resident of this state or of the
7 foreign country (~~or political subdivision~~).

8 (2) An order issued by a tribunal of this state modifying a
9 foreign child support order pursuant to this section is the
10 controlling order.

11 NEW SECTION. Sec. 41. A new section is added to chapter 26.21A
12 RCW under the subchapter heading "Article 1" to read as follows:

13 APPLICATION OF CHAPTER TO RESIDENT OF FOREIGN COUNTRY AND FOREIGN
14 SUPPORT PROCEEDING. (1) A tribunal of this state shall apply Articles
15 1 through 6 of this chapter and, as applicable, Article 7 of this
16 chapter, to a support proceeding involving:

- 17 (a) A foreign support order;
- 18 (b) A foreign tribunal; or
- 19 (c) An obligee, obligor, or child residing in a foreign country.

20 (2) A tribunal of this state that is requested to recognize and
21 enforce a support order on the basis of comity may apply the
22 procedural and substantive provisions of Articles 1 through 6 of this
23 chapter.

24 (3) Article 7 of this chapter applies only to a support
25 proceeding under the convention. In such a proceeding, if a provision
26 of Article 7 of this chapter is inconsistent with a provision of
27 Articles 1 through 6 of this chapter, Article 7 of this chapter
28 controls.

29 NEW SECTION. Sec. 42. A new section is added to chapter 26.21A
30 RCW under the subchapter heading "Article 2" to read as follows:

31 DURATION OF PERSONAL JURISDICTION. Personal jurisdiction acquired
32 by a tribunal of this state in a proceeding under this chapter or
33 other law of this state relating to a support order continues as long
34 as a tribunal of this state has continuing, exclusive jurisdiction to
35 modify its order or continuing jurisdiction to enforce its order as
36 provided by RCW 26.21A.120, 26.21A.125, and 26.21A.150.

1 NEW SECTION. **Sec. 43.** A new section is added to chapter 26.21A
2 RCW under the subchapter heading "Article 2" to read as follows:

3 APPLICATION OF CHAPTER TO NONRESIDENT SUBJECT TO PERSONAL
4 JURISDICTION. A tribunal of this state exercising personal
5 jurisdiction over a nonresident in a proceeding under this chapter,
6 under other law of this state relating to a support order, or
7 recognizing a foreign support order may receive evidence from outside
8 this state pursuant to RCW 26.21A.275, communicate with a tribunal
9 outside this state pursuant to RCW 26.21A.280, and obtain discovery
10 through a tribunal outside this state pursuant to RCW 26.21A.285. In
11 all other respects, Articles 3 through 6 of this chapter do not apply
12 and the tribunal shall apply the procedural and substantive law of
13 this state.

14 NEW SECTION. **Sec. 44.** A new section is added to chapter 26.21A
15 RCW under the subchapter heading "Article 4" to read as follows:

16 PROCEEDING TO DETERMINE PARENTAGE. A tribunal of this state
17 authorized to determine parentage of a child may serve as a
18 responding tribunal in a proceeding to determine parentage of a child
19 brought under this chapter or a law or procedure substantially
20 similar to this chapter.

21 NEW SECTION. **Sec. 45.** A new section is added to chapter 26.21A
22 RCW to read as follows:

23 PROCEDURE TO REGISTER CHILD SUPPORT ORDER OF FOREIGN COUNTRY FOR
24 MODIFICATION. A party or support enforcement agency seeking to
25 modify, or to modify and enforce, a foreign child support order not
26 under the convention may register that order in this state under RCW
27 26.21A.500 through 26.21A.535 if the order has not been registered. A
28 petition for modification may be filed at the same time as a request
29 for registration, or at another time. The petition must specify the
30 grounds for modification.

31 NEW SECTION. **Sec. 46.** DEFINITIONS. In this article:

32 (1) "Application" means a request under the convention by an
33 obligee or obligor, or on behalf of a child, made through a central
34 authority for assistance from another central authority.

35 (2) "Central authority" means the entity designated by the United
36 States or a foreign country described in RCW 26.21A.010(5)(d) to
37 perform the functions specified in the convention.

1 (3) "Convention support order" means a support order of a
2 tribunal of a foreign country described in RCW 26.21A.010(5)(d).

3 (4) "Direct request" means a petition filed by an individual in a
4 tribunal of this state in a proceeding involving an obligee, obligor,
5 or child residing outside the United States.

6 (5) "Foreign central authority" means the entity designated by a
7 foreign country described in RCW 26.21A.010(5)(d) to perform the
8 functions specified in the convention.

9 (6) "Foreign support agreement":

10 (a) Means an agreement for support in a record that:

11 (i) Is enforceable as a support order in the country of origin;

12 (ii) Has been:

13 (A) Formally drawn up or registered as an authentic instrument by
14 a foreign tribunal; or

15 (B) Authenticated by or concluded, registered, or filed with a
16 foreign tribunal; and

17 (iii) May be reviewed and modified by a foreign tribunal; and

18 (b) Includes a maintenance arrangement or authentic instrument
19 under the convention.

20 (7) "United States central authority" means the secretary of the
21 United States department of health and human services.

22 NEW SECTION. **Sec. 47.** APPLICABILITY. This article applies only
23 to a support proceeding under the convention. In such a proceeding,
24 if a provision of this article is inconsistent with Articles 1
25 through 6 of this chapter, this article controls.

26 NEW SECTION. **Sec. 48.** RELATIONSHIP OF DEPARTMENT OF SOCIAL AND
27 HEALTH SERVICES TO UNITED STATES CENTRAL AUTHORITY. The department of
28 social and health services of this state is recognized as the agency
29 designated by the United States central authority to perform specific
30 functions under the convention.

31 NEW SECTION. **Sec. 49.** INITIATION BY DEPARTMENT OF SOCIAL AND
32 HEALTH SERVICES OF SUPPORT PROCEEDING UNDER CONVENTION. (1) In a
33 support proceeding under this article, the department of social and
34 health services of this state shall:

35 (a) Transmit and receive applications; and

36 (b) Initiate or facilitate the institution of a proceeding
37 regarding an application in a tribunal of this state.

1 (2) The following support proceedings are available to an obligee
2 under the convention:

3 (a) Recognition or recognition and enforcement of a foreign
4 support order;

5 (b) Enforcement of a support order issued or recognized in this
6 state;

7 (c) Establishment of a support order if there is no existing
8 order including, if necessary, determination of parentage of a child;

9 (d) Establishment of a support order if recognition of a foreign
10 support order is refused under section 53 (2), (4), or (9) of this
11 act;

12 (e) Modification of a support order of a tribunal of this state;
13 and

14 (f) Modification of a support order of a tribunal of another
15 state or a foreign country.

16 (3) The following support proceedings are available under the
17 convention to an obligor against which there is an existing support
18 order:

19 (a) Recognition of an order suspending or limiting enforcement of
20 an existing support order of a tribunal of this state;

21 (b) Modification of a support order of a tribunal of this state;
22 and

23 (c) Modification of a support order of a tribunal of another
24 state or a foreign country.

25 (4) A tribunal of this state may not require security, bond, or
26 deposit, however described, to guarantee the payment of costs and
27 expenses in proceedings under the convention.

28 NEW SECTION. **Sec. 50.** DIRECT REQUEST. (1) A petitioner may file
29 a direct request seeking establishment or modification of a support
30 order or determination of parentage of a child. In such a proceeding,
31 the law of this state applies.

32 (2) A petitioner may file a direct request seeking recognition
33 and enforcement of a support order or support agreement. In the
34 proceeding, sections 51 through 58 of this act apply.

35 (3) In a direct request for recognition and enforcement of a
36 convention support order or foreign support agreement:

37 (a) A security, bond, or deposit is not required to guarantee the
38 payment of costs and expenses; and

1 (b) An obligee or obligor that in the issuing country has
2 benefited from free legal assistance is entitled to benefit, at least
3 to the same extent, from any free legal assistance provided for by
4 the law of this state under the same circumstances.

5 (4) A petitioner filing a direct request is not entitled to
6 assistance from the department of social and health services.

7 (5) This article does not prevent the application of laws of this
8 state that provide simplified, more expeditious rules regarding a
9 direct request for recognition and enforcement of a foreign support
10 order or foreign support agreement.

11 NEW SECTION. **Sec. 51.** REGISTRATION OF CONVENTION SUPPORT ORDER.

12 (1) Except as otherwise provided in this article, a party who is an
13 individual or a support enforcement agency seeking recognition of a
14 convention support order shall register the order in this state as
15 provided in Article 6 of this chapter.

16 (2) Notwithstanding RCW 26.21A.250 and 26.21A.505(1), a request
17 for registration of a convention support order must be accompanied
18 by:

19 (a) A complete text of the support order, or an abstract or
20 extract of the support order drawn up by the issuing foreign
21 tribunal, which may be in the form recommended by the Hague
22 conference on private international law;

23 (b) A record stating that the support order is enforceable in the
24 issuing country;

25 (c) If the respondent did not appear and was not represented in
26 the proceedings in the issuing country, a record attesting, as
27 appropriate, either that the respondent had proper notice of the
28 proceedings and an opportunity to be heard or that the respondent had
29 proper notice of the support order and an opportunity to be heard in
30 a challenge or appeal on fact or law before a tribunal;

31 (d) A record showing the amount of arrears, if any, and the date
32 the amount was calculated;

33 (e) A record showing a requirement for automatic adjustment of
34 the amount of support, if any, and the information necessary to make
35 the appropriate calculations; and

36 (f) If necessary, a record showing the extent to which the
37 applicant received free legal assistance in the issuing country.

38 (3) A request for registration of a convention support order may
39 seek recognition and partial enforcement of the order.

1 (4) A tribunal of this state may vacate the registration of a
2 convention support order without the filing of a contest under
3 section 52 of this act, only if, acting on its own motion, the
4 tribunal finds that recognition and enforcement of the order would be
5 manifestly incompatible with public policy.

6 (5) The tribunal shall promptly notify the parties of the
7 registration or the order vacating the registration of a convention
8 support order.

9 NEW SECTION. **Sec. 52.** CONTEST OF REGISTERED CONVENTION SUPPORT
10 ORDER. (1) Except as otherwise provided in this article, RCW
11 26.21A.520 through 26.21A.535 apply to a contest of a registered
12 convention support order.

13 (2) A party contesting a registered convention support order
14 shall file a contest not later than thirty days after notice of the
15 registration, but if the contesting party does not reside in the
16 United States, the contest must be filed not later than sixty days
17 after notice of the registration.

18 (3) If the nonregistering party fails to contest the registered
19 convention support order by the time specified in subsection (2) of
20 this section, the order is enforceable.

21 (4) A contest of a registered convention support order may be
22 based only on grounds set forth in section 53 of this act. The
23 contesting party bears the burden of proof.

24 (5) In a contest of a registered convention support order, a
25 tribunal of this state:

26 (a) Is bound by the findings of fact on which the foreign
27 tribunal based its jurisdiction; and

28 (b) May not review the merits of the order.

29 (6) A tribunal of this state deciding a contest of a registered
30 convention support order shall promptly notify the parties of its
31 decision.

32 (7) A challenge or appeal, if any, does not stay the enforcement
33 of a convention support order unless there are exceptional
34 circumstances.

35 NEW SECTION. **Sec. 53.** RECOGNITION AND ENFORCEMENT OF REGISTERED
36 CONVENTION SUPPORT ORDER. (1) Except as otherwise provided in
37 subsection (2) of this section, a tribunal of this state shall
38 recognize and enforce a registered convention support order.

1 (2) The following grounds are the only grounds on which a
2 tribunal of this state may refuse recognition and enforcement of a
3 registered convention support order:

4 (a) Recognition and enforcement of the order is manifestly
5 incompatible with public policy, including the failure of the issuing
6 tribunal to observe minimum standards of due process, which include
7 notice and an opportunity to be heard;

8 (b) The issuing tribunal lacked personal jurisdiction consistent
9 with RCW 26.21A.100;

10 (c) The order is not enforceable in the issuing country;

11 (d) The order was obtained by fraud in connection with a matter
12 of procedure;

13 (e) A record transmitted in accordance with section 51 of this
14 act lacks authenticity or integrity;

15 (f) A proceeding between the same parties and having the same
16 purpose is pending before a tribunal of this state and that
17 proceeding was the first to be filed;

18 (g) The order is incompatible with a more recent support order
19 involving the same parties and having the same purpose if the more
20 recent support order is entitled to recognition and enforcement under
21 this chapter in this state;

22 (h) Payment, to the extent alleged arrears have been paid in
23 whole or in part;

24 (i) In a case in which the respondent neither appeared nor was
25 represented in the proceeding in the issuing foreign country:

26 (i) If the law of that country provides for prior notice of
27 proceedings, the respondent did not have proper notice of the
28 proceedings and an opportunity to be heard; or

29 (ii) If the law of that country does not provide for prior notice
30 of the proceedings, the respondent did not have proper notice of the
31 order and an opportunity to be heard in a challenge or appeal on fact
32 or law before a tribunal; or

33 (j) The order was made in violation of section 56 of this act.

34 (3) If a tribunal of this state does not recognize a convention
35 support order under subsection (2)(b), (d), (f), or (i) of this
36 section:

37 (a) The tribunal may not dismiss the proceeding without allowing
38 a reasonable time for a party to request the establishment of a new
39 convention support order; and

1 (b) The department of social and health services shall take all
2 appropriate measures to request a child support order for the obligee
3 if the application for recognition and enforcement was received under
4 section 49 of this act.

5 NEW SECTION. **Sec. 54.** PARTIAL ENFORCEMENT. If a tribunal of
6 this state does not recognize and enforce a convention support order
7 in its entirety, it shall enforce any severable part of the order. An
8 application or direct request may seek recognition and partial
9 enforcement of a convention support order.

10 NEW SECTION. **Sec. 55.** FOREIGN SUPPORT AGREEMENT. (1) Except as
11 otherwise provided in subsections (3) and (4) of this section, a
12 tribunal of this state shall recognize and enforce a foreign support
13 agreement registered in this state.

14 (2) An application or direct request for recognition and
15 enforcement of a foreign support agreement must be accompanied by:

16 (a) A complete text of the foreign support agreement; and

17 (b) A record stating that the foreign support agreement is
18 enforceable as an order of support in the issuing country.

19 (3) A tribunal of this state may vacate the registration of a
20 foreign support agreement only if, acting on its own motion, the
21 tribunal finds that recognition and enforcement would be manifestly
22 incompatible with public policy.

23 (4) In a contest of a foreign support agreement, a tribunal of
24 this state may refuse recognition and enforcement of the agreement if
25 it finds:

26 (a) Recognition and enforcement of the agreement is manifestly
27 incompatible with public policy;

28 (b) The agreement was obtained by fraud or falsification;

29 (c) The agreement is incompatible with a support order involving
30 the same parties and having the same purpose in this state, another
31 state, or a foreign country if the support order is entitled to
32 recognition and enforcement under this chapter in this state; or

33 (d) The record submitted under subsection (2) of this section
34 lacks authenticity or integrity.

35 (5) A proceeding for recognition and enforcement of a foreign
36 support agreement must be suspended during the pendency of a
37 challenge to or appeal of the agreement before a tribunal of another
38 state or a foreign country.

1 NEW SECTION. **Sec. 56.** MODIFICATION OF CONVENTION CHILD SUPPORT
2 ORDER. (1) A tribunal of this state may not modify a convention child
3 support order if the obligee remains a resident of the foreign
4 country where the support order was issued unless:

5 (a) The obligee submits to the jurisdiction of a tribunal of this
6 state, either expressly or by defending on the merits of the case
7 without objecting to the jurisdiction at the first available
8 opportunity; or

9 (b) The foreign tribunal lacks or refuses to exercise
10 jurisdiction to modify its support order or issue a new support
11 order.

12 (2) If a tribunal of this state does not modify a convention
13 child support order because the order is not recognized in this
14 state, section 53(3) of this act applies.

15 NEW SECTION. **Sec. 57.** PERSONAL INFORMATION—LIMIT ON USE.
16 Personal information gathered or transmitted under this article may
17 be used only for the purposes for which it was gathered or
18 transmitted.

19 NEW SECTION. **Sec. 58.** RECORD IN ORIGINAL LANGUAGE—ENGLISH
20 TRANSLATION. A record filed with a tribunal of this state under this
21 article must be in the original language and, if not in English, must
22 be accompanied by an English translation.

23 NEW SECTION. **Sec. 59.** The following acts or parts of acts are
24 each repealed:

25 (1) RCW 26.21A.105 (Procedure when exercising jurisdiction over
26 nonresident) and 2002 c 198 s 202;

27 (2) RCW 26.21A.145 (Continuing, exclusive jurisdiction over
28 nonresident party) and 2002 c 198 s 210; and

29 (3) RCW 26.21A.600 (Proceeding to determine parentage) and 2002 c
30 198 s 701.

31 NEW SECTION. **Sec. 60.** A new section is added to chapter 26.21A
32 RCW under the subchapter heading "Article 9" to read as follows:

33 TRANSITIONAL PROVISION. This act applies to proceedings begun on
34 or after the effective date of this section to establish a support
35 order or determine parentage of a child or to register, recognize,

1 enforce, or modify a prior support order, determination, or
2 agreement, whenever issued or entered.

3 NEW SECTION. **Sec. 61.** RCW 26.21A.570 and section 45 of this act
4 are to be codified under the subchapter heading "Article 6" of
5 chapter 26.21A RCW under the subheading:

6 **"PART 4**
7 **REGISTRATION AND MODIFICATION OF FOREIGN CHILD SUPPORT ORDER"**

8 NEW SECTION. **Sec. 62.** Sections 46 through 58 of this act are
9 each added to chapter 26.21A RCW under the subchapter heading
10 "Article 7."

11 NEW SECTION. **Sec. 63.** This act is necessary for the immediate
12 preservation of the public peace, health, or safety, or support of
13 the state government and its existing public institutions, and takes
14 effect July 1, 2015.

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