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**SUBSTITUTE HOUSE BILL 1560**

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**State of Washington**

**53rd Legislature**

**1993 Regular Session**

**By** House Committee on Judiciary (originally sponsored by Representatives Appelwick, Leonard, Karahalios and Johanson)

Read first time 02/25/93.

1 AN ACT Relating to the uniform interstate family support act;  
2 adding new sections to chapter 26.21 RCW; creating a new section;  
3 repealing RCW 26.21.010, 26.21.020, 26.21.030, 26.21.040, 26.21.050,  
4 26.21.060, 26.21.070, 26.21.080, 26.21.090, 26.21.092, 26.21.094,  
5 26.21.100, 26.21.102, 26.21.104, 26.21.106, 26.21.110, 26.21.112,  
6 26.21.114, 26.21.116, 26.21.120, 26.21.130, 26.21.140, 26.21.150,  
7 26.21.160, 26.21.170, 26.21.180, 26.21.190, 26.21.200, 26.21.210,  
8 26.21.220, 26.21.230, 26.21.240, 26.21.250, 26.21.260, 26.21.270, and  
9 26.21.900; and providing an effective date.

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

11 **ARTICLE 1 GENERAL PROVISIONS**

12 NEW SECTION. **Sec. 101.** DEFINITIONS. In this chapter:

13 (1) "Child" means an individual, whether over or under the age of  
14 majority, who is or is alleged to be owed a duty of support by the  
15 individual's parent or who is or is alleged to be the beneficiary of a  
16 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 of  
3 the issuing state.

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

7 (4) "Home state" means the state in which a child lived with a  
8 parent or a person acting as parent for at least six consecutive months  
9 immediately preceding the time of filing of a petition or comparable  
10 pleading for support and, if a child is less than six months old, the  
11 state in which the child lived from birth with any of them. A period  
12 of temporary absence of any of them is counted as part of the six-month  
13 or other period.

14 (5) "Income" includes earnings or other periodic entitlements to  
15 money from any source and any other property subject to withholding for  
16 support under the law of this state.

17 (6) "Income-withholding order" means an order or other legal  
18 process directed to an obligor's employer or other debtor, as defined  
19 by chapter 6.27 RCW, to withhold support from the income of the  
20 obligor.

21 (7) "Initiating state" means a state in which a proceeding under  
22 this chapter or a law substantially similar to this chapter, the  
23 Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform  
24 Reciprocal Enforcement of Support Act is filed for forwarding to a  
25 responding state.

26 (8) "Initiating tribunal" means the authorized tribunal in an  
27 initiating state.

28 (9) "Issuing state" means the state in which a tribunal issues a  
29 support order or renders a judgment determining parentage.

30 (10) "Issuing tribunal" means the tribunal that issues a support  
31 order or renders a judgment determining parentage.

32 (11) "Law" includes decisional and statutory law and rules and  
33 regulations having the force of law.

34 (12) "Obligee" means:

35 (a) An individual to whom a duty of support is or is alleged to be  
36 owed or in whose favor a support order has been issued or a judgment  
37 determining parentage has been rendered;

38 (b) A state or political subdivision to which the rights under a  
39 duty of support or support order have been assigned or which has

1 independent claims based on financial assistance provided to an  
2 individual obligee; or

3 (c) An individual seeking a judgment determining parentage of the  
4 individual's child.

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

6 (a) Who owes or is alleged to owe a duty of support;

7 (b) Who is alleged but has not been adjudicated to be a parent of  
8 a child; or

9 (c) Who is liable under a support order.

10 (14) "Register" means to record or file in the appropriate location  
11 for the recording or filing of foreign judgments generally or foreign  
12 support orders specifically, a support order or judgment determining  
13 parentage.

14 (15) "Registering tribunal" means a tribunal in which a support  
15 order is registered.

16 (16) "Responding state" means a state to which a proceeding is  
17 forwarded under this chapter or a law substantially similar to this  
18 chapter, the Uniform Reciprocal Enforcement of Support Act, or the  
19 Revised Uniform Reciprocal Enforcement of Support Act.

20 (17) "Responding tribunal" means the authorized tribunal in a  
21 responding state.

22 (18) "Spousal support order" means a support order for a spouse or  
23 former spouse of the obligor.

24 (19) "State" means a state of the United States, the District of  
25 Columbia, the Commonwealth of Puerto Rico, or any territory or insular  
26 possession subject to the jurisdiction of the United States. The term  
27 "state" includes an Indian tribe and includes a foreign jurisdiction  
28 that has established procedures for issuance and enforcement of support  
29 orders that are substantially similar to the procedures under this  
30 chapter.

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

33 (a) Enforcement of support orders or laws relating to the duty of  
34 support;

35 (b) Establishment or modification of child support;

36 (c) Determination of parentage; or

37 (d) Location of obligors or their assets.

38 (21) "Support order" means a judgment, decree, or order, whether  
39 temporary, final, or subject to modification, for the benefit of a

1 child, a spouse, or a former spouse, that provides for monetary  
2 support, health care, arrearages, or reimbursement, and may include  
3 related costs and fees, interest, income withholding, attorneys' fees,  
4 and other relief.

5 (22) "Tribunal" means a court, administrative agency, or quasi-  
6 judicial entity authorized to establish, enforce, or modify support  
7 orders or to determine parentage.

8 NEW SECTION. **Sec. 102.** TRIBUNAL OF THIS STATE. The superior  
9 court is the state tribunal for judicial proceedings and the department  
10 of social and health services office of support enforcement is the  
11 state tribunal for administrative proceedings.

12 NEW SECTION. **Sec. 103.** REMEDIES CUMULATIVE. Remedies provided by  
13 this chapter are cumulative and do not affect the availability of  
14 remedies under other law.

## 15 **ARTICLE 2 JURISDICTION**

### 16 **PART A EXTENDED PERSONAL JURISDICTION**

17 NEW SECTION. **Sec. 201.** BASES FOR JURISDICTION OVER NONRESIDENT.  
18 In a proceeding to establish, enforce, or modify a support order or to  
19 determine parentage, a tribunal of this state may exercise personal  
20 jurisdiction over a nonresident individual or the individual's guardian  
21 or conservator if:

22 (1) The individual is personally served with summons within this  
23 state;

24 (2) The individual submits to the jurisdiction of this state by  
25 consent, by entering a general appearance, or by filing a responsive  
26 document having the effect of waiving any contest to personal  
27 jurisdiction;

28 (3) The individual resided with the child in this state;

29 (4) The individual resided in this state and provided prenatal  
30 expenses or support for the child;

31 (5) The child resides in this state as a result of the acts or  
32 directives of the individual;

33 (6) The individual engaged in sexual intercourse in this state and  
34 the child may have been conceived by that act of intercourse; or

1 (7) There is any other basis consistent with the Constitutions of  
2 this state and the United States for the exercise of personal  
3 jurisdiction.

4 NEW SECTION. **Sec. 202.** PROCEDURE WHEN EXERCISING JURISDICTION  
5 OVER NONRESIDENT. A tribunal of this state exercising personal  
6 jurisdiction over a nonresident under section 201 of this act may apply  
7 section 316 of this act to receive evidence from another state, and  
8 section 318 of this act to obtain discovery through a tribunal of  
9 another state. In all other respects, Articles 3 through 7 of this act  
10 do not apply and the tribunal shall apply the procedural and  
11 substantive law of this state, including the rules on choice of law  
12 other than those established by this chapter.

13 **PART B PROCEEDINGS INVOLVING TWO OR MORE STATES**

14 NEW SECTION. **Sec. 203.** INITIATING AND RESPONDING TRIBUNAL OF THIS  
15 STATE. Under this chapter, a tribunal of this state may serve as an  
16 initiating tribunal to forward proceedings to another state and as a  
17 responding tribunal for proceedings initiated in another state.

18 NEW SECTION. **Sec. 204.** SIMULTANEOUS PROCEEDINGS IN ANOTHER STATE.

19 (1) A tribunal of this state may exercise jurisdiction to establish a  
20 support order if the petition or comparable pleading is filed after a  
21 petition or comparable pleading is filed in another state 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 for filing  
24 a responsive pleading challenging the exercise of jurisdiction by the  
25 other state;

26 (b) The contesting party timely challenges the exercise of  
27 jurisdiction in the other state; 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 if:

33 (a) The petition or comparable pleading in the other state is filed  
34 before the expiration of the time allowed in this state for filing a

1 responsive pleading challenging the exercise of jurisdiction by this  
2 state;

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

5 (c) If relevant, the other state is the home state of the child.

6 NEW SECTION. **Sec. 205.** CONTINUING, EXCLUSIVE JURISDICTION. (1)  
7 A tribunal of this state issuing a support order consistent with the  
8 law of this state has continuing, exclusive jurisdiction over a child  
9 support order:

10 (a) As long as this state remains the residence of the obligor, the  
11 individual obligee, or the child for whose benefit the support order is  
12 issued; or

13 (b) Until each individual party has filed written consent with the  
14 tribunal of this state for a tribunal of another state to modify the  
15 order and assume continuing, exclusive jurisdiction.

16 (2) A tribunal of this state issuing a child support order  
17 consistent with the law of this state may not exercise its continuing  
18 jurisdiction to modify the order if the order has been modified by a  
19 tribunal of another state pursuant to a law substantially similar to  
20 this chapter.

21 (3) If a child support order of this state is modified by a  
22 tribunal of another state pursuant to a law substantially similar to  
23 this chapter, a tribunal of this state loses its continuing, exclusive  
24 jurisdiction with regard to prospective enforcement of the order issued  
25 in this state, and may only:

26 (a) Enforce the order that was modified as to amounts accruing  
27 before the modification;

28 (b) Enforce nonmodifiable aspects of that order; and

29 (c) Provide other appropriate relief for violations of that order  
30 which occurred before the effective date of the modification.

31 (4) A tribunal of this state shall recognize the continuing,  
32 exclusive jurisdiction of a tribunal of another state that has issued  
33 a child support order pursuant to a law substantially similar to this  
34 chapter.

35 (5) A temporary support order issued ex parte or pending resolution  
36 of a jurisdictional conflict does not create continuing, exclusive  
37 jurisdiction in the issuing tribunal.

1 (6) A tribunal of this state issuing a support order consistent  
2 with the law of this state has continuing, exclusive jurisdiction over  
3 a spousal support order throughout the existence of the support  
4 obligation. A tribunal of this state may not modify a spousal support  
5 order issued by a tribunal of another state having continuing,  
6 exclusive jurisdiction over that order under the law of that state.

7 NEW SECTION. **Sec. 206.** ENFORCEMENT AND MODIFICATION OF SUPPORT  
8 ORDER BY TRIBUNAL HAVING CONTINUING JURISDICTION. (1) A tribunal of  
9 this state may serve as an initiating tribunal to request a tribunal of  
10 another state to enforce or modify a support order issued in that  
11 state.

12 (2) A tribunal of this state having continuing, exclusive  
13 jurisdiction over a support order may act as a responding tribunal to  
14 enforce or modify the order. If a party subject to the continuing,  
15 exclusive jurisdiction of the tribunal no longer resides in the issuing  
16 state, in subsequent proceedings the tribunal may apply section 316 of  
17 this act to receive evidence from another state and section 318 of this  
18 act to obtain discovery through a tribunal of another state.

19 (3) A tribunal of this state that lacks continuing, exclusive  
20 jurisdiction over a spousal support order may not serve as a responding  
21 tribunal to modify a spousal support order of another state.

22 **PART C RECONCILIATION WITH ORDERS OF OTHER STATES**

23 NEW SECTION. **Sec. 207.** RECOGNITION OF CHILD SUPPORT ORDERS. (1)  
24 If a proceeding is brought under this chapter, and one or more child  
25 support orders have been issued in this or another state with regard to  
26 an obligor and a child, a tribunal of this state shall apply the  
27 following rules in determining which order to recognize for purposes of  
28 continuing, exclusive jurisdiction:

29 (a) If only one tribunal has issued a child support order, the  
30 order of that tribunal must be recognized.

31 (b) If two or more tribunals have issued child support orders for  
32 the same obligor and child, and only one of the tribunals would have  
33 continuing, exclusive jurisdiction under this chapter, the order of  
34 that tribunal must be recognized.

35 (c) If two or more tribunals have issued child support orders for  
36 the same obligor and child, and more than one of the tribunals would

1 have continuing, exclusive jurisdiction under this chapter, an order  
2 issued by a tribunal in the current home state of the child must be  
3 recognized, but if an order has not been issued in the current home  
4 state of the child, the order most recently issued must be recognized.

5 (d) If two or more tribunals have issued child support orders for  
6 the same obligor and child, and none of the tribunals would have  
7 continuing, exclusive jurisdiction under this chapter, the tribunal of  
8 this state may issue a child support order, which must be recognized.

9 (2) The tribunal that has issued an order recognized under  
10 subsection (1) of this section is the tribunal having continuing,  
11 exclusive jurisdiction.

12 NEW SECTION. **Sec. 208.** MULTIPLE CHILD SUPPORT ORDERS FOR TWO OR  
13 MORE OBLIGEES. In responding to multiple registrations or petitions  
14 for enforcement of two or more child support orders in effect at the  
15 same time with regard to the same obligor and different individual  
16 obligees, at least one of which was issued by a tribunal of another  
17 state, a tribunal of this state shall enforce those orders in the same  
18 manner as if the multiple orders had been issued by a tribunal of this  
19 state.

20 NEW SECTION. **Sec. 209.** CREDIT FOR PAYMENTS. Amounts collected  
21 and credited for a particular period pursuant to a support order  
22 issued by a tribunal of another state must be credited against the  
23 amounts accruing or accrued for the same period under a support order  
24 issued by the tribunal of this state.

25 **ARTICLE 3 CIVIL PROVISIONS OF GENERAL APPLICATION**

26 NEW SECTION. **Sec. 301.** PROCEEDINGS UNDER THIS CHAPTER. (1)  
27 Except as otherwise provided in this chapter, this article applies to  
28 all proceedings under this chapter.

29 (2) This chapter provides for the following proceedings:

30 (a) Establishment of an order for spousal support or child support  
31 pursuant to Article 4 of this act;

32 (b) Enforcement of a support order and income-withholding order of  
33 another state without registration pursuant to Article 5 of this act;

34 (c) Registration of an order for spousal support or child support  
35 of another state for enforcement pursuant to Article 6 of this act;



1 (d) Modification of an order for child support or spousal support  
2 issued by a tribunal of this state pursuant to Article 2, Part B of  
3 this act;

4 (e) Registration of an order for child support of another state for  
5 modification pursuant to Article 6 of this act;

6 (f) Determination of parentage pursuant to Article 7 of this act;  
7 and

8 (g) Assertion of jurisdiction over nonresidents pursuant to Article  
9 2, Part A of this act.

10 (3) An individual petitioner or a support enforcement agency may  
11 commence a proceeding authorized under this chapter by filing a  
12 petition in an initiating tribunal for forwarding to a responding  
13 tribunal or by filing a petition or a comparable pleading directly in  
14 a tribunal of another state which has or can obtain personal  
15 jurisdiction over the respondent.

16 NEW SECTION. **Sec. 302.** ACTION BY MINOR PARENT. A minor parent,  
17 or a guardian or other legal representative of a minor parent, may  
18 maintain a proceeding on behalf of or for the benefit of the minor's  
19 child.

20 NEW SECTION. **Sec. 303.** APPLICATION OF LAW OF THIS STATE. Except  
21 as otherwise provided by this chapter, a responding tribunal of this  
22 state:

23 (1) Shall apply the procedural and substantive law, including the  
24 rules on choice of law, generally applicable to similar proceedings  
25 originating in this state and may exercise all powers and provide all  
26 remedies available in those proceedings; and

27 (2) Shall determine the duty of support and the amount payable in  
28 accordance with the law and support guidelines of this state.

29 NEW SECTION. **Sec. 304.** DUTIES OF INITIATING TRIBUNAL. Upon the  
30 filing of a petition authorized by this chapter, an initiating tribunal  
31 of this state shall forward three copies of the petition and its  
32 accompanying documents:

33 (1) To the responding tribunal or appropriate support enforcement  
34 agency in the responding state; or

35 (2) If the identity of the responding tribunal is unknown, to the  
36 state information agency of the responding state with a request that

1 they be forwarded to the appropriate tribunal and that receipt be  
2 acknowledged.

3 NEW SECTION. **Sec. 305.** DUTIES AND POWERS OF RESPONDING TRIBUNAL.

4 (1) When a responding tribunal of this state receives a petition or  
5 comparable pleading from an initiating tribunal or directly pursuant to  
6 section 301(3) of this act, it shall cause the petition or pleading to  
7 be filed and notify the petitioner by first class mail where and when  
8 it was filed.

9 (2) A responding tribunal of this state, to the extent otherwise  
10 authorized by law, may do one or more of the following:

11 (a) Issue or enforce a support order, modify a child support order,  
12 or render a judgment to determine parentage;

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

15 (c) Order income withholding;

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

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

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

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

21 (h) Order an obligor to keep the tribunal informed of the obligor's  
22 current residential address, telephone number, employer, address of  
23 employment, and telephone number at the place of employment;

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

28 (j) Order the obligor to seek appropriate employment by specified  
29 methods;

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

31 (l) Grant any other available remedy.

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

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

1 (5) If a responding tribunal of this state issues an order under  
2 this chapter, the tribunal shall send a copy of the order by first  
3 class mail to the petitioner and the respondent and to the initiating  
4 tribunal, if any.

5 NEW SECTION. **Sec. 306.** INAPPROPRIATE TRIBUNAL. If a petition or  
6 comparable pleading is received by an inappropriate tribunal of this  
7 state, it shall forward the pleading and accompanying documents to an  
8 appropriate tribunal in this state or another state and notify the  
9 petitioner by first class mail where and when the pleading was sent.

10 NEW SECTION. **Sec. 307.** DUTIES OF SUPPORT ENFORCEMENT AGENCY. (1)  
11 A support enforcement agency of this state, upon request, shall provide  
12 services to a petitioner in a proceeding under this chapter.

13 (2) A support enforcement agency that is providing services to the  
14 petitioner as appropriate shall:

15 (a) Take all steps necessary to enable an appropriate tribunal in  
16 this state or another state to obtain jurisdiction over the respondent;

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

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

21 (d) Within two days, exclusive of Saturdays, Sundays, and legal  
22 holidays, after receipt of a written notice from an initiating,  
23 responding, or registering tribunal, send a copy of the notice by first  
24 class mail to the petitioner;

25 (e) Within two days, exclusive of Saturdays, Sundays, and legal  
26 holidays, after receipt of a written communication from the respondent  
27 or the respondent's attorney, send a copy of the communication by first  
28 class mail to the petitioner; and

29 (f) Notify the petitioner if jurisdiction over the respondent  
30 cannot be obtained.

31 (3) This chapter does not create or negate a relationship of  
32 attorney and client or other fiduciary relationship between a support  
33 enforcement agency or the attorney for the agency and the individual  
34 being assisted by the agency.

35 NEW SECTION. **Sec. 308.** DUTY OF ATTORNEY GENERAL. If the attorney  
36 general determines that the support enforcement agency is neglecting or

1 refusing to provide services to an individual, the attorney general may  
2 order the agency to perform its duties under this chapter or may  
3 provide those services directly to the individual.

4 NEW SECTION. **Sec. 309.** PRIVATE COUNSEL. An individual may employ  
5 private counsel to represent the individual in proceedings authorized  
6 by this chapter.

7 NEW SECTION. **Sec. 310.** DUTIES OF STATE INFORMATION AGENCY. (1)  
8 The department of social and health services office of support  
9 enforcement is the state information agency under this chapter.

10 (2) The state information agency shall:

11 (a) Compile and maintain a current list, including addresses, of  
12 the tribunals in this state that have jurisdiction under this chapter  
13 and any support enforcement agencies in this state and transmit a copy  
14 to the state information agency of every other state;

15 (b) Maintain a register of tribunals and support enforcement  
16 agencies received from other states;

17 (c) Forward to the appropriate tribunal in the place in this state  
18 in which the individual obligee or the obligor resides, or in which the  
19 obligor's property is believed to be located, all documents concerning  
20 a proceeding under this chapter received from an initiating tribunal or  
21 the state information agency of the initiating state; and

22 (d) Obtain information concerning the location of the obligor and  
23 the obligor's property within this state not exempt from execution, by  
24 such means as postal verification and federal or state locator  
25 services, examination of telephone directories, requests for the  
26 obligor's address from employers, and examination of governmental  
27 records, including, to the extent not prohibited by other law, those  
28 relating to real property, vital statistics, law enforcement, taxation,  
29 motor vehicles, driver's licenses, and social security.

30 NEW SECTION. **Sec. 311.** PLEADINGS AND ACCOMPANYING DOCUMENTS. (1)  
31 A petitioner seeking to establish or modify a support order or to  
32 determine parentage in a proceeding under this chapter must verify the  
33 petition. Unless otherwise ordered under section 312 of this act, the  
34 petition or accompanying documents must provide, so far as known, the  
35 name, residential address, and social security numbers of the obligor  
36 and the obligee, and the name, sex, residential address, social

1 security number, and date of birth of each child for whom support is  
2 sought. The petition must be accompanied by a certified copy of any  
3 support order in effect. The petition may include any other  
4 information that may assist in locating or identifying the respondent.

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

9 NEW SECTION. **Sec. 312.** NONDISCLOSURE OF INFORMATION IN  
10 EXCEPTIONAL CIRCUMSTANCES. Upon a finding, which may be made ex parte,  
11 that the health, safety, or liberty of a party or child would be  
12 unreasonably put at risk by the disclosure of identifying information,  
13 or if an existing order so provides, a tribunal shall order that the  
14 address of the child or party or other identifying information not be  
15 disclosed in a pleading or other document filed in a proceeding under  
16 this chapter.

17 NEW SECTION. **Sec. 313.** COSTS AND FEES. (1) The petitioner may  
18 not be required to pay a filing fee or other costs.

19 (2) If an obligee prevails in a support enforcement proceeding, a  
20 responding tribunal may assess against an obligor filing fees,  
21 reasonable attorneys' fees, other costs, and necessary travel and other  
22 reasonable expenses incurred by the obligee and the obligee's  
23 witnesses. The tribunal in a support enforcement proceeding may not  
24 assess fees, costs, or expenses against the obligee or the support  
25 enforcement agency of either the initiating or the responding state,  
26 except as provided by RCW 4.84.080, civil rule 11 or, if the obligee or  
27 the support enforcement agency has acted in bad faith.

28 (3) A responding tribunal may assess filing fees, reasonable  
29 attorneys' fees, and other costs to either party, and necessary travel  
30 and other reasonable costs incurred by the obligee and the obligee's  
31 witnesses to the obligee, in a proceeding to establish or modify  
32 support. Assessments under this section shall be made in accordance  
33 with RCW 4.84.080 and 26.09.140 and civil rule 11.

34 (4) Attorneys' fees may be taxed as costs, and may be ordered paid  
35 directly to the attorney, who may enforce the order in the attorney's  
36 own name. Payment of support owed to the obligee has priority over  
37 fees, costs, and expenses.

1 (5) The tribunal shall order the payment of costs and reasonable  
2 attorneys' fees if it determines that a hearing was requested primarily  
3 for delay.

4 NEW SECTION. **Sec. 314.** LIMITED IMMUNITY OF PETITIONER. (1)  
5 Participation by a petitioner in a proceeding before a responding  
6 tribunal, whether in person, by private attorney, or through services  
7 provided by the support enforcement agency, does not confer personal  
8 jurisdiction over the petitioner in another proceeding.

9 (2) A petitioner is not amenable to service of civil process while  
10 physically present in this state to participate in a proceeding under  
11 this chapter.

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

16 NEW SECTION. **Sec. 315.** NONPARENTAGE AS DEFENSE. A party whose  
17 parentage of a child has been previously determined by order of a  
18 tribunal may not plead nonparentage as a defense to a proceeding under  
19 this chapter.

20 NEW SECTION. **Sec. 316.** SPECIAL RULES OF EVIDENCE AND PROCEDURE.  
21 (1) The physical presence of the petitioner in a responding tribunal of  
22 this state is not required for the establishment, enforcement, or  
23 modification of a support order or the rendition of a judgment  
24 determining parentage.

25 (2) A verified petition, affidavit, document substantially  
26 complying with federally mandated forms, and a document incorporated  
27 by reference in any of them, not excluded under the hearsay rule if  
28 given in person, is admissible in evidence if given under oath by a  
29 party or witness residing in another state.

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

34 (4) Copies of bills for testing for parentage, and for prenatal and  
35 postnatal health care of the mother and child, furnished to the adverse  
36 party at least ten days before trial, are admissible in evidence to

1 prove the amount of the charges billed and that the charges were  
2 reasonable, necessary, and customary.

3 (5) Documentary evidence transmitted from another state to a  
4 tribunal of this state by telephone, telecopier, or other means that do  
5 not provide an original writing may not be excluded from evidence on an  
6 objection based on the means of transmission.

7 (6) In a proceeding under this chapter, a tribunal of this state  
8 may permit a party or witness residing in another state to be deposed  
9 or to testify by telephone, audiovisual means, or other electronic  
10 means at a designated tribunal or other location in that state. A  
11 tribunal of this state shall cooperate with tribunals of other states  
12 in designating an appropriate location for the deposition or testimony.

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

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

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

21 NEW SECTION. **Sec. 317.** COMMUNICATIONS BETWEEN TRIBUNALS. A  
22 tribunal of this state may communicate with a tribunal of another state  
23 in writing, or by telephone or other means, to obtain information  
24 concerning the laws of that state, the legal effect of a judgment,  
25 decree, or order of that tribunal, and the status of a proceeding in  
26 the other state. A tribunal of this state may furnish similar  
27 information by similar means to a tribunal of another state.

28 NEW SECTION. **Sec. 318.** ASSISTANCE WITH DISCOVERY. A tribunal of  
29 this state may:

30 (1) Request a tribunal of another state to assist in obtaining  
31 discovery; and

32 (2) Upon request, compel a person over whom it has jurisdiction to  
33 respond to a discovery order issued by a tribunal of another state.

34 NEW SECTION. **Sec. 319.** RECEIPT AND DISBURSEMENT OF PAYMENTS. A  
35 support enforcement agency or tribunal of this state shall disburse  
36 promptly any amounts received pursuant to a support order, as directed

1 by the order. The agency or tribunal shall furnish to a requesting  
2 party or tribunal of another state a certified statement by the  
3 custodian of the record of the amounts and dates of all payments  
4 received.

5 **ARTICLE 4 ESTABLISHMENT OF SUPPORT ORDER**

6 NEW SECTION. **Sec. 401.** PETITION TO ESTABLISH SUPPORT ORDER. (1)  
7 If a support order entitled to recognition under this chapter has not  
8 been issued, a responding tribunal of this state may issue a support  
9 order if:

10 (a) The individual seeking the order resides in another state; or

11 (b) The support enforcement agency seeking the order is located in  
12 another state.

13 (2) The tribunal may issue a temporary child support order if:

14 (a) The respondent has signed a verified statement acknowledging  
15 parentage;

16 (b) The respondent has been determined by order of a tribunal to be  
17 the parent; or

18 (c) There is other clear, cogent, and convincing evidence that the  
19 respondent is the child's parent.

20 (3) Upon finding, after notice and opportunity to be heard, that an  
21 obligor owes a duty of support, the tribunal shall issue a support  
22 order directed to the obligor and may issue other orders pursuant to  
23 section 305 of this act.

24 **ARTICLE 5 DIRECT ENFORCEMENT OF ORDER OF ANOTHER STATE WITHOUT**  
25 **REGISTRATION**

26 NEW SECTION. **Sec. 501.** RECOGNITION OF INCOME-WITHHOLDING ORDER OF  
27 ANOTHER STATE. (1) An income-withholding order issued in another state  
28 may be sent by first class mail to the person or entity defined as the  
29 obligor's employer under chapter 6.27 RCW without first filing a  
30 petition or comparable pleading or registering the order with a  
31 tribunal of this state. Upon receipt of the order, the employer shall:

32 (a) Treat an income-withholding order issued in another state that  
33 appears regular on its face as if it had been issued by a tribunal of  
34 this state;

35 (b) Immediately provide a copy of the order to the obligor; and



1 (c) Distribute the funds as directed in the income-withholding  
2 order.

3 (2) An obligor may contest the validity or enforcement of an  
4 income-withholding order issued in another state in the same manner as  
5 if the order had been issued by a tribunal of this state. Section 604  
6 of this act applies to the contest. The obligor shall give notice of  
7 the contest to any support enforcement agency providing services to the  
8 obligee and to:

9 (a) The person or agency designated to receive payments in the  
10 income-withholding order; or

11 (b) If no person or agency is designated, the obligee.

12 NEW SECTION. Sec. 502. ADMINISTRATIVE ENFORCEMENT OF ORDERS. (1)  
13 A party seeking to enforce a support order or an income-withholding  
14 order, or both, issued by a tribunal of another state may send the  
15 documents required for registering the order to a support enforcement  
16 agency of this state.

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

25 **ARTICLE 6 ENFORCEMENT AND MODIFICATION OF**  
26 **SUPPORT ORDER AFTER REGISTRATION**

27 **PART A REGISTRATION AND ENFORCEMENT OF SUPPORT ORDER**

28 NEW SECTION. Sec. 601. REGISTRATION OF ORDER FOR ENFORCEMENT. A  
29 support order or an income-withholding order issued by a tribunal of  
30 another state may be registered in this state for enforcement.

31 NEW SECTION. Sec. 602. PROCEDURE TO REGISTER ORDER FOR  
32 ENFORCEMENT. (1) A support order or income-withholding order of  
33 another state may be registered in this state by sending the following

1 documents and information to the superior court of any county in this  
2 state where the obligor resides, works, or has property:

3 (a) A letter of transmittal to the tribunal requesting registration  
4 and enforcement;

5 (b) Two copies, including one certified copy, of all orders to be  
6 registered, including any modification of an order;

7 (c) A sworn statement by the party seeking registration or a  
8 certified statement by the custodian of the records showing the amount  
9 of any arrearage;

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

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

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

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

16 (e) The name and address of the obligee and, if applicable, the  
17 agency or person to whom support payments are to be remitted.

18 (2) On receipt of a request for registration, the registering  
19 tribunal shall cause the order to be filed as a foreign judgment,  
20 together with one copy of the documents and information, regardless of  
21 their form.

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

26 NEW SECTION. **Sec. 603.** EFFECT OF REGISTRATION FOR ENFORCEMENT.

27 (1) A support order or income-withholding order issued in another state  
28 is registered when the order is filed in the registering tribunal of  
29 this state.

30 (2) A registered order issued in another state is enforceable in  
31 the same manner and is subject to the same procedures as an order  
32 issued by a tribunal of this state.

33 (3) Except as otherwise provided in this article, a tribunal of  
34 this state shall recognize and enforce, but may not modify, a  
35 registered order if the issuing tribunal had jurisdiction.

36 NEW SECTION. **Sec. 604.** CHOICE OF LAW. (1) The law of the issuing  
37 state governs the nature, extent, amount, and duration of current

1 payments and other obligations of support and the payment of arrearages  
2 under the order.

3 (2) In a proceeding for arrearages, the statute of limitation under  
4 the laws of this state or of the issuing state, whichever is longer,  
5 applies.

6 **PART B CONTEST OF VALIDITY OR ENFORCEMENT**

7 NEW SECTION. **Sec. 605.** NOTICE OF REGISTRATION OF ORDER. (1) When  
8 a support order or income-withholding order issued in another state is  
9 registered, the registering tribunal shall notify the nonregistering  
10 party. Notice must be given by certified or registered mail or by any  
11 means of personal service authorized by the law of this state. The  
12 notice must be accompanied by a copy of the registered order and the  
13 documents and relevant information accompanying the order.

14 (2) The notice must inform the nonregistering party:

15 (a) That a registered order is enforceable as of the date of  
16 registration in the same manner as an order issued by a tribunal of  
17 this state;

18 (b) That a hearing to contest the validity or enforcement of the  
19 registered order must be requested within twenty days after the date of  
20 receipt by certified or registered mail or personal service of the  
21 notice given to a nonregistering party within the state and within  
22 sixty days after the date of receipt by certified or registered mail or  
23 personal service of the notice on a nonregistering party outside of the  
24 state;

25 (c) That failure to contest the validity or enforcement of the  
26 registered order in a timely manner will result in confirmation of the  
27 order and enforcement of the order and the alleged arrearages and  
28 precludes further contest of that order with respect to any matter that  
29 could have been asserted; and

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

31 (3) Upon registration of an income-withholding order for  
32 enforcement, the registering tribunal shall notify the obligor's  
33 employer pursuant to the income-withholding law of this state.

34 NEW SECTION. **Sec. 606.** PROCEDURE TO CONTEST VALIDITY OR  
35 ENFORCEMENT OF REGISTERED ORDER. (1) A nonregistering party seeking to  
36 contest the validity or enforcement of a registered order in this state

1 shall request a hearing within twenty days after the date of receipt of  
2 certified or registered mail or the date of personal service of notice  
3 of the registration on the nonmoving party within this state, or,  
4 within sixty days after the receipt of certified or registered mail or  
5 personal service of the notice on the nonmoving party outside of the  
6 state. The nonregistering party may seek to vacate the registration,  
7 to assert any defense to an allegation of noncompliance with the  
8 registered order, or to contest the remedies being sought or the amount  
9 of any alleged arrearages pursuant to section 607 of this act.

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

13 (3) If a nonregistering party requests a hearing to contest the  
14 validity or enforcement of the registered order, the registering  
15 tribunal shall schedule the matter for hearing and give notice to the  
16 parties by first class mail of the date, time, and place of the  
17 hearing.

18 NEW SECTION. **Sec. 607.** CONTEST OF REGISTRATION OR ENFORCEMENT.

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

22 (a) The issuing tribunal lacked personal jurisdiction over the  
23 contesting party;

24 (b) The order was obtained by fraud;

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

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

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

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

31 (g) The statute of limitation under section 604 of this act  
32 precludes enforcement of some or all of the arrearages.

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

1 (3) If the contesting party does not establish a defense under  
2 subsection (1) of this section to the validity or enforcement of the  
3 order, the registering tribunal shall issue an order confirming the  
4 order.

5 NEW SECTION. **Sec. 608.** CONFIRMED ORDER. Confirmation of a  
6 registered order, whether by operation of law or after notice and  
7 hearing, precludes further contest of the order with respect to any  
8 matter that could have been asserted at the time of registration.

9 **PART C REGISTRATION AND MODIFICATION OF CHILD SUPPORT ORDER**

10 NEW SECTION. **Sec. 609.** PROCEDURE TO REGISTER CHILD SUPPORT ORDER  
11 OF ANOTHER STATE FOR MODIFICATION. A party or support enforcement  
12 agency seeking to modify, or to modify and enforce, a child support  
13 order issued in another state shall register that order in this state  
14 in the same manner provided in Part A of this article if the order has  
15 not been registered. A petition for modification may be filed at the  
16 same time as a request for registration, or later. The pleading must  
17 specify the grounds for modification.

18 NEW SECTION. **Sec. 610.** EFFECT OF REGISTRATION FOR MODIFICATION.  
19 A tribunal of this state may enforce a child support order of another  
20 state registered for purposes of modification, in the same manner as if  
21 the order had been issued by a tribunal of this state, but the  
22 registered order may be modified only if the requirements of section  
23 611 of this act have been met.

24 NEW SECTION. **Sec. 611.** MODIFICATION OF CHILD SUPPORT ORDER OF  
25 ANOTHER STATE. (1) After a child support order issued in another state  
26 has been registered in this state, the responding tribunal of this  
27 state may modify that order only if, after notice and hearing, it finds  
28 that:

29 (a) The following requirements are met:

30 (i) The child, the individual obligee, and the obligor do not  
31 reside in the issuing state;

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

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

3 (b) An individual party or the child is subject to the personal  
4 jurisdiction of the tribunal and all of the individual parties have  
5 filed a written consent in the issuing tribunal providing that a  
6 tribunal of this state may modify the support order and assume  
7 continuing, exclusive jurisdiction over the order.

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

12 (3) A tribunal of this state may not modify any aspect of a child  
13 support order that may not be modified under the law of the issuing  
14 state.

15 (4) On issuance of an order modifying a child support order issued  
16 in another state, a tribunal of this state becomes the tribunal of  
17 continuing, exclusive jurisdiction.

18 (5) Within thirty days after issuance of a modified child support  
19 order, the party obtaining the modification shall file a certified copy  
20 of the order with the issuing tribunal which had continuing, exclusive  
21 jurisdiction over the earlier order, and in each tribunal in which the  
22 party knows that earlier order has been registered.

23 NEW SECTION. **Sec. 612.** RECOGNITION OF ORDER MODIFIED IN ANOTHER  
24 STATE. A tribunal of this state shall recognize a modification of its  
25 earlier child support order by a tribunal of another state that assumed  
26 jurisdiction pursuant to a law substantially similar to this chapter  
27 and, upon request, except as otherwise provided in this chapter, shall:

28 (1) Enforce the order that was modified only as to amounts accruing  
29 before the modification;

30 (2) Enforce only nonmodifiable aspects of that order;

31 (3) Provide other appropriate relief only for violations of that  
32 order which occurred before the effective date of the modification;  
33 and

34 (4) Recognize the modifying order of the other state, upon  
35 registration, for the purpose of enforcement.

36 **ARTICLE 7 DETERMINATION OF PARENTAGE**



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

13 (3) If a proceeding for support has been initiated and the  
14 individual whose rendition is demanded prevails, the governor may  
15 decline to honor the demand. If the petitioner prevails and the  
16 individual whose rendition is demanded is subject to a support order,  
17 the governor may decline to honor the demand if the individual is  
18 complying with the support order.

19 **ARTICLE 9 MISCELLANEOUS PROVISIONS**

20 NEW SECTION. **Sec. 901.** UNIFORMITY OF APPLICATION AND  
21 CONSTRUCTION. This chapter shall be applied and construed to  
22 effectuate its general purpose to make uniform the law with respect to  
23 the subject of this chapter among states enacting it.

24 NEW SECTION. **Sec. 902.** SHORT TITLE. This chapter may be cited as  
25 the Uniform Interstate Family Support Act.

26 NEW SECTION. **Sec. 903.** SEVERABILITY CLAUSE. If any provision of  
27 this act or its application to any person or circumstance is held  
28 invalid, the remainder of the act or the application of the provision  
29 to other persons or circumstances is not affected.

30 NEW SECTION. **Sec. 904.** REPEALS. The following acts or parts of  
31 acts are each repealed:

32 (1) RCW 26.21.010 and 1972 ex.s. c 31 s 1, 1963 c 45 s 1, & 1951 c  
33 196 s 2;

34 (2) RCW 26.21.020 and 1951 c 196 s 3;



1 (3) RCW 26.21.030 and 1963 c 45 s 2 & 1951 c 196 s 4;  
2 (4) RCW 26.21.040 and 1963 c 45 s 3 & 1951 c 196 s 5;  
3 (5) RCW 26.21.050 and 1971 ex.s. c 46 s 30, 1963 c 45 s 4, & 1951  
4 c 196 s 6;  
5 (6) RCW 26.21.060 and 1963 c 45 s 5 & 1951 c 196 s 7;  
6 (7) RCW 26.21.070 and 1963 c 45 s 6 & 1951 c 196 s 8;  
7 (8) RCW 26.21.080 and 1963 c 45 s 7 & 1951 c 196 s 9;  
8 (9) RCW 26.21.090 and 1963 c 45 s 8 & 1951 c 196 s 10;  
9 (10) RCW 26.21.092 and 1963 c 45 s 9;  
10 (11) RCW 26.21.094 and 1963 c 45 s 10;  
11 (12) RCW 26.21.100 and 1963 c 45 s 11 & 1951 c 196 s 11;  
12 (13) RCW 26.21.102 and 1963 c 45 s 12;  
13 (14) RCW 26.21.104 and 1963 c 45 s 13;  
14 (15) RCW 26.21.106 and 1963 c 45 s 14;  
15 (16) RCW 26.21.110 and 1963 c 45 s 15 & 1951 c 196 s 12;  
16 (17) RCW 26.21.112 and 1963 c 45 s 16;  
17 (18) RCW 26.21.114 and 1963 c 45 s 17;  
18 (19) RCW 26.21.116 and 1963 c 45 s 18;  
19 (20) RCW 26.21.120 and 1963 c 45 s 19 & 1951 c 196 s 13;  
20 (21) RCW 26.21.130 and 1963 c 45 s 20 & 1951 c 196 s 14;  
21 (22) RCW 26.21.140 and 1987 c 435 s 24, 1963 c 45 s 21, & 1951 c  
22 196 s 15;  
23 (23) RCW 26.21.150 and 1987 c 435 s 25, 1963 c 45 s 22, & 1951 c  
24 196 s 16;  
25 (24) RCW 26.21.160 and 1987 c 435 s 26, 1963 c 45 s 23, & 1951 c  
26 196 s 17;  
27 (25) RCW 26.21.170 and 1963 c 45 s 24 & 1951 c 196 s 18;  
28 (26) RCW 26.21.180 and 1963 c 45 s 25;  
29 (27) RCW 26.21.190 and 1963 c 45 s 26;  
30 (28) RCW 26.21.200 and 1963 c 45 s 27;  
31 (29) RCW 26.21.210 and 1963 c 45 s 28;  
32 (30) RCW 26.21.220 and 1963 c 45 s 29;  
33 (31) RCW 26.21.230 and 1991 c 367 s 37 & 1963 c 45 s 30;  
34 (32) RCW 26.21.240 and 1963 c 45 s 31;  
35 (33) RCW 26.21.250 and 1963 c 45 s 32;  
36 (34) RCW 26.21.260 and 1963 c 45 s 33;  
37 (35) RCW 26.21.270 and 1963 c 45 s 34; and  
38 (36) RCW 26.21.900 and 1951 c 196 s 1.

1        NEW SECTION.    **Sec. 905.**    CODIFICATION.       Sections 101 through 903  
2 of this act are each added to chapter 26.21 RCW.

3        NEW SECTION.    **Sec. 906.**    CAPTIONS, PART HEADINGS, AND ARTICLE  
4 DESIGNATIONS NOT LAW.       Captions, part headings, and article  
5 designations as used in this act constitute no part of the law.

6        NEW SECTION.    **Sec. 907.**    EFFECTIVE DATE.       This act shall take  
7 effect July 1, 1994.

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