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HOUSE BILL 1253

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State of Washington

62nd Legislature

2011 Regular Session

By Representatives Fitzgibbon, Rivers, Pedersen, and Rodne; by request of Uniform Laws Commission

Read first time 01/18/11. Referred to Committee on Judiciary.

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, 26.21A.140,  
4 26.21A.150, 26.21A.200, 26.21A.215, 26.21A.220, 26.21A.225, 26.21A.230,  
5 26.21A.235, 26.21A.245, 26.21A.250, 26.21A.260, 26.21A.275, 26.21A.280,  
6 26.21A.285, 26.21A.290, 26.21A.350, 26.21A.415, 26.21A.420, 26.21A.430,  
7 26.21A.500, 26.21A.505, 26.21A.510, 26.21A.515, 26.21A.520, 26.21A.525,  
8 26.21A.540, 26.21A.545, 26.21A.550, and 26.21A.570; adding new sections  
9 to chapter 26.21A RCW; and repealing RCW 26.21A.105 and 26.21A.145.

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

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

13 In this chapter:

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

18 (2) "Child support order" means a support order for a child,

1 including a child who has attained the age of majority under the law of  
2 the issuing state or foreign country.

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

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

9 ((+4)) (5) "Foreign country" means a country, including a  
10 political subdivision thereof, other than the United States, that under  
11 its law authorizes the issuance of support orders and:

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

14 (b) Which has established a reciprocal arrangement for child  
15 support with this state as provided in RCW 26.21A.230;

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

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

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

23 (7) "Foreign tribunal" means a court, administrative agency, or  
24 quasi-judicial entity of a foreign country authorized to establish,  
25 enforce, or modify support orders or to determine parentage of a child.  
26 The term includes a competent authority in a proceeding subject to  
27 Article 7 of this chapter, which may be a judicial or administrative  
28 authority in a proceeding in a foreign country.

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 six  
31 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 to  
38 withholding for support under the law of this state.

1       ~~((6))~~ (10) "Income-withholding order" means an order or other  
2 legal process directed to an obligor's employer or other debtor, as  
3 defined by RCW 50.04.080, to withhold support from the income of the  
4 obligor.

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

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

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

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

17       ~~((10))~~ (14) "Issuing tribunal" means the tribunal of a state or  
18 foreign country that issues a support order or ~~((renders))~~ a judgment  
19 determining parentage of a child.

20       ~~((11))~~ (15) "Law" includes decisional and statutory law and rules  
21 having the force of law.

22       ~~((12))~~ (16) "Obligee" means:

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

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

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

33       (d) A person that is a creditor in a proceeding subject to Article  
34 7 of this chapter.

35       ~~((13))~~ (17) "Obligor" means an individual, or the estate of a  
36 decedent:

37       (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 parent of  
2 a child; ~~((or))~~

3 (c) Who is liable under a support order; or

4 (d) Who is a debtor in a proceeding subject to Article 7 of this  
5 chapter.

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

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

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

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

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

24 ~~((+18))~~ (23) "Responding state" means a state in which a  
25 proceeding is filed or to which a proceeding is forwarded for filing  
26 from ~~((an initiating))~~ another state ~~((under this chapter or a law or~~  
27 ~~procedure substantially similar to this chapter))~~ or foreign country.

28 ~~((+19))~~ (24) "Responding tribunal" means the authorized tribunal  
29 in a responding state or foreign country.

30 ~~((+20))~~ (25) "Spousal support order" means a support order for a  
31 spouse or former spouse of the obligor.

32 ~~((+21))~~ (26) "State" means a state of the United States, the  
33 District of Columbia, Puerto Rico, the United States Virgin Islands, or  
34 any territory or insular possession subject to the jurisdiction of the  
35 United States. The term includes~~((+~~

36 ~~(a))~~ an Indian nation or tribe~~((+and~~

37 ~~(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 and~~  
6 ~~enforcement of support orders which are substantially similar to the~~  
7 ~~procedures under this chapter)).~~

8 ((+22)) (27) "Support enforcement agency" means a public official  
9 or agency authorized to ((seek)):

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

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

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

14 (d) ((Location of)) Attempt to locate obligors or their assets; or

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

16 ((+23)) (28) "Support order" means a judgment, decree, order,  
17 decision, or directive, whether temporary, final, or subject to  
18 modification, issued ((by a tribunal)) in a state or foreign country  
19 for the benefit of a child, a spouse, or a former spouse, that provides  
20 for monetary support, health care, arrearages, retroactive support, or  
21 reimbursement((, and)) for financial assistance provided to an  
22 individual obligee in place of child support. It may include related  
23 costs and fees, interest, income withholding, automatic adjustment,  
24 attorneys' fees, and other relief.

25 ((+24)) (29) "Tribunal" means a court, administrative agency, or  
26 quasi-judicial entity authorized to establish, enforce, or modify  
27 support orders or to determine parentage.

28 (30) "United States" means all states.

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

31 (1) The superior court is the state tribunal for judicial  
32 proceedings and the department of social and health services division  
33 of child support is the state tribunal for administrative proceedings.

34 (2) The department of social and health services is the support  
35 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 support order (~~(of a foreign country or political~~  
6 ~~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 judgment  
11 or issue an order relating to child custody or visitation in a  
12 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 individual's  
18 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 and  
31 the child may have been conceived by that act of intercourse;

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 of  
36 this state and the United States for the exercise of personal  
37 jurisdiction.

1 (2) The bases of personal jurisdiction set forth in subsection (1)  
2 of this section or in any other law of this state may not be used to  
3 acquire personal jurisdiction for a tribunal of ((the)) this state to  
4 modify a child support order of another state unless the requirements  
5 of RCW 26.21A.550 ((~~or 26.21A.570~~)) are met, or, in the case of a  
6 foreign support order, unless the requirements of RCW 26.21A.570 are  
7 met.

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

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

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

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

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

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

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

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

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

35 (a) The petition or comparable pleading in the other state or

1 foreign country is filed before the expiration of the time allowed in  
2 this state for filing a responsive pleading challenging the exercise of  
3 jurisdiction by this state;

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

33        (7) Within thirty days after issuance of an order determining which  
34 is the controlling order, the party obtaining the order shall file a  
35 certified copy of it in each tribunal that issued or registered an  
36 earlier order of child support. A party or support enforcement agency  
37 obtaining the order that fails to file a certified copy is subject to

1 appropriate sanctions by a tribunal in which the issue of failure to  
2 file arises. The failure to file does not affect the validity or  
3 enforceability of the controlling order.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (a) To the responding tribunal or appropriate support enforcement  
21 agency in the responding state; or

22 (b) If the identity of the responding tribunal is unknown, to the  
23 state information agency of the responding state with a request that  
24 they be forwarded to the appropriate tribunal and that receipt be  
25 acknowledged.

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

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

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

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

9           (a) (~~Issue~~) Establish or enforce a support order, modify a child  
10 support order, determine the controlling child support order, or  
11 determine parentage of a child;

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

14           (c) Order income withholding;

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

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

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

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

20           (h) Order an obligor to keep the tribunal informed of the obligor's  
21 current residential address, electronic mail address, telephone number,  
22 employer, address of employment, and telephone number at the place of  
23 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 to the  
3 petitioner and the respondent and to the initiating tribunal, if any.

4 (6) If requested to enforce a support order, arrears, or judgment  
5 or modify a support order stated in a foreign currency, a responding  
6 tribunal of this state shall convert the amount stated in the foreign  
7 currency to the equivalent amount in dollars under applicable official  
8 or market exchange rates as publicly reported.

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

11 If a petition or comparable pleading is received by an  
12 inappropriate tribunal of this state, the tribunal shall forward the  
13 pleading and accompanying documents to an appropriate tribunal (~~in~~)  
14 of this state or another state and notify the petitioner where and when  
15 the pleading was sent.

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

18 ~~((1))~~ A support enforcement agency of this state, upon request,  
19 shall provide services to a petitioner in a proceeding under this  
20 chapter.

21 ~~((2) A support enforcement agency of this state that is providing  
22 services to the petitioner shall:~~

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

25 ~~(b) Request an appropriate tribunal to set a date, time, and place  
26 for a hearing;~~

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

29 ~~(d) Within two days, exclusive of Saturdays, Sundays, and legal  
30 holidays, after receipt of a written notice in a record from an  
31 initiating, responding, or registering tribunal, send a copy of the  
32 notice to the petitioner;~~

33 ~~(e) Within two days, exclusive of Saturdays, Sundays, and legal  
34 holidays, after receipt of a written communication in a record from the  
35 respondent or the respondent's attorney, send a copy of the  
36 communication to the petitioner; and~~

1       ~~(f) Notify the petitioner if jurisdiction over the respondent~~  
2 ~~cannot be obtained.~~

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

6       ~~(a) To ensure that the order to be registered is the controlling~~  
7 ~~order; or~~

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

12       ~~(4) A support enforcement agency of this state that requests~~  
13 ~~registration and enforcement of a support order, arrears, or judgment~~  
14 ~~stated in a foreign currency shall convert the amounts stated in the~~  
15 ~~foreign currency into the equivalent amounts in dollars under~~  
16 ~~applicable official exchange rates as publicly reported.~~

17       ~~(5) A support enforcement agency of this state shall issue or~~  
18 ~~request a tribunal of this state to issue a child support order and an~~  
19 ~~income withholding order that redirect payment of current support,~~  
20 ~~arrears, and interest if requested to do so by a support enforcement~~  
21 ~~agency of another state pursuant to RCW 26.21A.290.~~

22       ~~(6) This chapter does not create or negate a relationship of~~  
23 ~~attorney and client or other fiduciary relationship between a support~~  
24 ~~enforcement agency or the attorney for the agency and the individual~~  
25 ~~being assisted by the agency.))~~

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

28       (1) If the appropriate state official or agency determines that the  
29 support enforcement agency is neglecting or refusing to provide  
30 services to an individual, the state official or agency may order the  
31 agency to perform its duties under this chapter or may provide those  
32 services directly to the individual.

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

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

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

5           (2) The state information agency shall:

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

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

12           (c) Forward to the appropriate tribunal in the county in this state  
13 in which the obligee who is an individual or the obligor resides, or in  
14 which the obligor's property is believed to be located, all documents  
15 concerning a proceeding under this chapter received from (~~an~~  
16 ~~initiating tribunal or the state information agency of the initiating~~)  
17 another state or foreign country; and

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

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

28           (1) In a proceeding under this chapter, a petitioner seeking to  
29 establish a support order, to determine parentage, or to register and  
30 modify a support order of a tribunal of another state or foreign  
31 country must file a petition. Unless otherwise ordered under RCW  
32 26.21A.255, the petition or accompanying documents must provide, so far  
33 as known, the name, residential address, and social security numbers of  
34 the obligor and the obligee or the parent and alleged parent, and the  
35 name, sex, residential address, social security number, and date of  
36 birth of each child for whose benefit support is sought or whose  
37 parentage is to be determined. Unless filed at the time of

1 registration, the petition must be accompanied by a copy of any support  
2 order known to have been issued by another tribunal. The petition may  
3 include any other information that may assist in locating or  
4 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 (3) A petitioner seeking to establish or modify a support order or  
10 to determine parentage in a proceeding under this chapter shall file a  
11 properly completed confidential information form or equivalent as  
12 described in RCW 26.23.050 to satisfy the requirements of subsection  
13 (1) of this section. A completed confidential information form shall  
14 be deemed an "accompanying document" under subsection (1) of this  
15 section.

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

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

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

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



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

3       (1) The physical presence of a nonresident party who is an  
4 individual in a tribunal of this state is not required for the  
5 establishment, enforcement, or modification of a support order or the  
6 rendition of a judgment determining parentage.

7       (2) An affidavit, a document substantially complying with federally  
8 mandated forms, or a document incorporated by reference in any of them,  
9 that would not be excluded under the hearsay rule if given in person,  
10 is admissible in evidence if given under penalty of perjury by a party  
11 or witness residing (~~(in another)~~) outside this state.

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

16       (4) Copies of bills for testing for parentage, and for prenatal and  
17 postnatal health care of the mother and child, furnished to the adverse  
18 party at least ten days before trial, are admissible in evidence to  
19 prove the amount of the charges billed and that the charges were  
20 reasonable, necessary, and customary.

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

26       (6) In a proceeding under this chapter, a tribunal of this state  
27 shall permit a party or witness residing (~~(in another)~~) outside this  
28 state to be deposed or to testify under penalty of perjury by  
29 telephone, audiovisual means, or other electronic means at a designated  
30 tribunal or other location (~~(in that state)~~). A tribunal of this state  
31 shall cooperate with other tribunals (~~(of other states)~~) in designating  
32 an appropriate location for the deposition or testimony.

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

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

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

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

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

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

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

19 A tribunal of this state may:

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

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

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

27 (1) A support enforcement agency or tribunal of this state shall  
28 disburse promptly any amounts received pursuant to a support order, as  
29 directed by the order. The agency or tribunal shall furnish to a  
30 requesting party or tribunal of another state or foreign country a  
31 certified statement by the custodian of the record of the amounts and  
32 dates of all payments received.

33 (2) If neither the obligor, nor the obligee who is an individual,  
34 (~~or~~) nor the child (~~does not~~) resides in this state, upon request

1 from the support enforcement agency of this state or another state, the  
2 support enforcement agency of this state or a tribunal of this state  
3 shall:

4 (a) Direct that the support payment be made to the support  
5 enforcement agency in the state in which the obligee is receiving  
6 services; and

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

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

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

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

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

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

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

27 (a) A presumed father of the child;

28 (b) Petitioning to have his paternity adjudicated;

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

30 (d) An alleged father who has declined to submit to genetic  
31 testing;

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

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

35 (g) The mother of the child; or

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

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

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

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

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

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

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

19 (1) A party or support enforcement agency seeking to enforce a  
20 support order or an income-withholding order, or both, issued (~~(by a~~  
21 ~~tribunal of)~~) in another state or a foreign support order may send the  
22 documents required for registering the order to a support enforcement  
23 agency of this state.

24 (2) Upon receipt of the documents, the support enforcement agency,  
25 without initially seeking to register the order, shall consider and, if  
26 appropriate, use any administrative procedure authorized by the law of  
27 this state to enforce a support order or an income-withholding order,  
28 or both. If the obligor does not contest administrative enforcement,  
29 the order need not be registered. If the obligor contests the validity  
30 or administrative enforcement of the order, the support enforcement  
31 agency shall register the order pursuant to this chapter.

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

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

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

6 (1) Subject to section 49 of this act, a support order or income-  
7 withholding order of another state or a foreign support order may be  
8 registered in this state by sending the following records (~~and~~  
9 ~~information~~) to the appropriate tribunal in this state:

10 (a) A letter of transmittal to the tribunal requesting registration  
11 and enforcement;

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

14 (c) A sworn statement by the person requesting registration or a  
15 certified statement by the custodian of the records showing the amount  
16 of any arrearage;

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

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

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

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

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

26 (2) On receipt of a request for registration, the registering  
27 tribunal shall cause the order to be filed as (~~a foreign judgment~~) an  
28 order of another state or foreign country, together with one copy of  
29 the documents and information, regardless of their form.

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (b) The computation and payment of arrearages and accrual of  
27 interest on the arrearages under the registered support order; and

28 (c) The existence and satisfaction of other obligations under the  
29 registered support order.

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

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

1 (4) After a tribunal of this or another state determines which is  
2 the controlling order and issues an order consolidating arrears, if  
3 any, a tribunal of this state shall prospectively apply the law of the  
4 state or foreign country issuing the registered controlling order,  
5 including its law on interest on arrears, on current and future  
6 support, and on consolidated arrears.

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

9 (1) When a support order or income-withholding order issued in  
10 another state or a foreign support order is registered, the registering  
11 tribunal of this state shall notify the nonregistering party. 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) A 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 notice  
20 unless the registered order is subject to section 50 of this act;

21 (c) That failure to contest the validity or enforcement of the  
22 registered order in a timely manner will result in confirmation of the  
23 order and enforcement of the order and the alleged arrearages; and

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

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

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

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

32 (c) State that the procedures provided in subsection (2) of this  
33 section apply to the determination of which is the controlling order;  
34 and

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

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

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

7 (1) A nonregistering party seeking to contest the validity or  
8 enforcement of a registered support order in this state shall request  
9 a hearing (~~((within twenty days after notice of the registration))~~) in  
10 accordance with the notice provided in RCW 26.21A.520. The  
11 nonregistering party may seek to vacate the registration, to assert any  
12 defense to an allegation of noncompliance with the registered order, or  
13 to contest the remedies being sought or the amount of any alleged  
14 arrearages pursuant to RCW 26.21A.530.

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

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

22 **Sec. 35.** RCW 26.21A.540 and 2002 c 198 s 609 are each amended to  
23 read as follows:

24 A party or support enforcement agency seeking to modify, or to  
25 modify and enforce, a child support order issued in another state shall  
26 register that order in this state in the same manner provided in (~~Part~~  
27 ~~1 of this article~~) RCW 26.21A.500 through 26.21A.535 if the order has  
28 not been registered. A petition for modification may be filed at the  
29 same time as a request for registration, or later. The pleading must  
30 specify the grounds for modification.

31 **Sec. 36.** RCW 26.21A.545 and 2002 c 198 s 610 are each amended to  
32 read as follows:

33 A tribunal of this state may enforce a child support order of  
34 another state registered for purposes of modification, in the same



1 manner as if the order had been issued by a tribunal of this state, but  
2 the registered order may be modified only if the requirements of RCW  
3 26.21A.550 or 26.21A.560 have been met.

4 **Sec. 37.** RCW 26.21A.550 and 2002 c 198 s 611 are each amended to  
5 read as follows:

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

11 (a) The following requirements are met:

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

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

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

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

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

28 (3) (~~Except as otherwise provided in RCW 26.21A.570,~~) A tribunal  
29 of this state may not modify any aspect of a child support order that  
30 may not be modified under the law of the issuing state, including the  
31 duration of the obligation of support. If two or more tribunals have  
32 issued child support orders for the same obligor and same child, the  
33 order that controls and must be so recognized under RCW 26.21A.130  
34 establishes the aspects of the support order (~~that~~) which are  
35 nonmodifiable.

36 (4) In a proceeding to modify a child support order, the law of the  
37 state that is determined to have issued the initial controlling order

1 governs the duration of the obligation of support. The obligor's  
2 fulfillment of the duty of support established by that order precludes  
3 imposition of a further obligation of support by a tribunal of this  
4 state.

5 (5) On the issuance of an order by a tribunal of this state  
6 modifying a child support order issued in another state, the tribunal  
7 of this state becomes the tribunal having continuing, exclusive  
8 jurisdiction.

9 (6) Without regard to the restrictions on modification of a child  
10 support order stated in RCW 26.21A.100(2) and this section, a tribunal  
11 of this state retains jurisdiction to modify an order issued by a  
12 tribunal of this state if:

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

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

15 **Sec. 38.** RCW 26.21A.570 and 2002 c 198 s 615 are each amended to  
16 read as follows:

17 (1) Except as otherwise provided in section 54 of this act, if a  
18 foreign country ((~~or political subdivision that is a state will not or~~  
19 may not modify its order)) lacks or refuses to exercise jurisdiction to  
20 modify its child support order pursuant to its laws, a tribunal of this  
21 state may assume jurisdiction to modify the child support order and  
22 bind all individuals subject to the personal jurisdiction of the  
23 tribunal whether or not the consent to modification of a child support  
24 order otherwise required of the individual pursuant to RCW 26.21A.550  
25 has been given or whether the individual seeking modification is a  
26 resident of this state or of the foreign country ((~~or political~~  
27 subdivision)).

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

30 NEW SECTION. **Sec. 39.** A new section is added to chapter 26.21A  
31 RCW under the subchapter heading "Article 1" to read as follows:

32 APPLICATION OF CHAPTER TO RESIDENT OF FOREIGN COUNTRY AND FOREIGN  
33 SUPPORT PROCEEDING. (1) A tribunal of this state shall apply Articles  
34 1 through 6 of this chapter and, as applicable, Article 7 of this  
35 chapter, to a support proceeding involving:

36 (a) A foreign support order;

1 (b) A foreign tribunal; or

2 (c) An obligee, obligor, or child residing in a foreign country.

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

6 (3) Article 7 of this chapter applies only to a support proceeding  
7 subject to the convention. In such a proceeding, if a provision of  
8 Article 7 of this chapter is inconsistent with a provision of Articles  
9 1 through 6 of this chapter, Article 7 of this chapter controls.

10 NEW SECTION. **Sec. 40.** A new section is added to chapter 26.21A  
11 RCW under the subchapter heading "Article 2" to read as follows:

12 DURATION OF PERSONAL JURISDICTION. Personal jurisdiction acquired  
13 by a tribunal of this state in a proceeding under this chapter or other  
14 law of this state relating to a support order continues as long as a  
15 tribunal of this state has continuing, exclusive jurisdiction to modify  
16 its order or continuing jurisdiction to enforce its order as provided  
17 by RCW 26.21A.120, 26.21A.125, and 26.21A.150.

18 NEW SECTION. **Sec. 41.** A new section is added to chapter 26.21A  
19 RCW under the subchapter heading "Article 2" to read as follows:

20 APPLICATION OF CHAPTER TO NONRESIDENT SUBJECT TO PERSONAL  
21 JURISDICTION. A tribunal of this state exercising personal  
22 jurisdiction over a nonresident in a proceeding under this chapter,  
23 under other law of this state relating to a support order, or  
24 recognizing a foreign support order may receive evidence from outside  
25 this state pursuant to RCW 26.21A.275, communicate with a tribunal  
26 outside this state pursuant to RCW 26.21A.280, and obtain discovery  
27 through a tribunal outside this state pursuant to RCW 26.21A.285. In  
28 all other respects, Articles 3 through 6 of this chapter do not apply  
29 and the tribunal shall apply the procedural and substantive law of this  
30 state.

31 NEW SECTION. **Sec. 42.** A new section is added to chapter 26.21A  
32 RCW under the subchapter heading "Article 4" to read as follows:

33 PROCEEDING TO DETERMINE PARENTAGE. A tribunal of this state  
34 authorized to determine parentage of a child may serve as a responding

1 tribunal in a proceeding to determine parentage brought under this  
2 chapter or a law or procedure substantially similar to this chapter.

3 NEW SECTION. **Sec. 43.** A new section is added to chapter 26.21A  
4 RCW to read as follows:

5 PROCEDURE TO REGISTER CHILD SUPPORT ORDER OF FOREIGN COUNTRY FOR  
6 MODIFICATION. A party or support enforcement agency seeking to modify,  
7 or to modify and enforce, a foreign child support order not subject to  
8 the convention may register that order in this state as provided in RCW  
9 26.21A.500 through 26.21A.535 if the order has not been registered. A  
10 petition for modification may be filed at the same time as a request  
11 for registration or at another time. The petition must specify the  
12 grounds for modification.

13 NEW SECTION. **Sec. 44.** DEFINITIONS. In this article:

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

17 (2) "Central authority" means the entity designated by a country to  
18 perform the functions specified in the convention.

19 (3) "Convention support order" means an order of a tribunal of a  
20 foreign country in which the convention is in force with respect to the  
21 United States.

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

25 (5) "Foreign central authority" means the entity designated by a  
26 foreign country in which the convention is in force with respect to the  
27 United States to perform the functions specified in the convention.

28 (6) "Foreign support agreement" means an agreement for support in  
29 a record, also known as a maintenance arrangement in the convention,  
30 that:

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

32 (b) Has been formally drawn up or registered or has been  
33 authenticated by or concluded, registered, or filed with a foreign  
34 tribunal; and

35 (c) May be reviewed and modified by a foreign tribunal.

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

3 NEW SECTION. **Sec. 45.** APPLICABILITY. This article applies only  
4 to a support proceeding involving a foreign country in which the  
5 convention is in force with respect to the United States. In such a  
6 proceeding, if a provision of this article is inconsistent with a  
7 provision of Articles 1 through 6 of this chapter, this article  
8 controls.

9 NEW SECTION. **Sec. 46.** RELATIONSHIP OF DEPARTMENT OF SOCIAL AND  
10 HEALTH SERVICES TO UNITED STATES CENTRAL AUTHORITY. The department of  
11 social and health services of this state is recognized as the agency  
12 designated by the United States central authority to perform specific  
13 functions under the convention.

14 NEW SECTION. **Sec. 47.** INITIATION BY DEPARTMENT OF SOCIAL AND  
15 HEALTH SERVICES OF SUPPORT PROCEEDING SUBJECT TO CONVENTION. (1) In a  
16 proceeding subject to the convention, the department of social and  
17 health services of this state shall:

18 (a) Transmit and receive applications; and  
19 (b) Initiate or facilitate the institution of a proceeding  
20 regarding an application in a tribunal of this state.

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

23 (a) Recognition or recognition and enforcement of a foreign support  
24 order;

25 (b) Enforcement of a support order issued or recognized in this  
26 state;

27 (c) Establishment of a support order if there is no existing order  
28 including, where necessary, determination of parentage;

29 (d) Establishment of a support order if recognition of a foreign  
30 support order is refused under section 51 (2), (4), or (9) of this act;

31 (e) Modification of a support order of a tribunal of this state;  
32 and

33 (f) Modification of a support order of a tribunal of another state  
34 or foreign country.

1 (3) The following support proceedings are available under the  
2 convention to an obligor against whom there is an existing support  
3 order:

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

6 (b) Modification of a support order of a tribunal of this state;  
7 and

8 (c) Modification of a support order of a tribunal of another state  
9 or foreign country.

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

13 NEW SECTION. **Sec. 48.** DIRECT REQUEST. (1) A petitioner may file  
14 a direct request in a tribunal of this state seeking the establishment  
15 or modification of a support order or determination of parentage. In  
16 such a proceeding, the law of this state applies.

17 (2) A petitioner may file a direct request in a tribunal of this  
18 state seeking the recognition and enforcement of a support order or  
19 support agreement. In such a proceeding, the provisions of sections 49  
20 through 56 of this act apply.

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

23 (a) No security, bond, or deposit shall be required to guarantee  
24 the payment of costs and expenses related to the proceedings; and

25 (b) The obligee or obligor, who in the issuing country has  
26 benefited from free legal assistance, shall be entitled to benefit, at  
27 least to the same extent, from any free legal assistance provided for  
28 by the law of this state under the same circumstances.

29 (4) An individual filing directly with a tribunal will not receive  
30 assistance from the department of social and health services.

31 (5) Nothing in this article prevents the application of laws of  
32 this state that provide simplified, more expeditious rules regarding a  
33 direct request for recognition and enforcement of a foreign support  
34 order or support agreement.

35 NEW SECTION. **Sec. 49.** REGISTRATION OF CONVENTION SUPPORT ORDER.

36 (1) Except as otherwise provided in this article, a party who is an

1 individual or a support enforcement agency seeking recognition of a  
2 convention support order shall register the order in this state as  
3 provided in Article 6 of this chapter.

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

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

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

12 (c) If the respondent did not appear and was not represented in the  
13 proceedings in the issuing country, a record attesting, as appropriate,  
14 either that the respondent had proper notice of the proceedings and an  
15 opportunity to be heard or that the respondent had proper notice of the  
16 support order and an opportunity to be heard in a challenge or appeal  
17 on fact or law before a tribunal;

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

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

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

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

27 (4) A tribunal of this state may vacate the registration of a  
28 convention support order on its own motion, without the filing of a  
29 contest under section 50 of this act, only if the tribunal finds that  
30 recognition and enforcement of the order would be manifestly  
31 incompatible with public policy.

32 (5) The tribunal shall promptly notify the parties of the  
33 registration or the order vacating the registration of a convention  
34 support order.

35 NEW SECTION. **Sec. 50.** CONTEST OF REGISTERED CONVENTION SUPPORT  
36 ORDER. (1) Except as otherwise provided in this article, RCW

1 26.21A.520 through 26.21A.535 apply to a contest of a registered  
2 convention support order.

3 (2) A party contesting a registered convention support order must  
4 file a contest within thirty days after notice of the registration  
5 unless the contesting party does not reside in the United States, in  
6 which case the contest must be filed within sixty days after notice.

7 (3) If the nonregistering party fails to contest the registered  
8 convention support order in a timely manner, the order is enforceable  
9 by operation of law.

10 (4) A contest of a registered convention support order may be based  
11 only on grounds set forth in section 51 of this act, and the contesting  
12 party bears the burden of proof.

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

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

17 (b) May not review the merits of the support order.

18 (6) A tribunal of this state deciding a contest of a registered  
19 convention support order shall promptly notify the parties of its  
20 decision.

21 (7) An appeal, if any, does not stay the enforcement of a  
22 convention support order unless there are exceptional circumstances.

23 NEW SECTION. **Sec. 51.** REFUSAL OF RECOGNITION AND ENFORCEMENT OF  
24 REGISTERED CONVENTION SUPPORT ORDER. A tribunal of this state may  
25 refuse recognition and enforcement of a registered convention support  
26 order only on the following grounds:

27 (1) Recognition and enforcement of the order is manifestly  
28 incompatible with public policy or with minimum standards of due  
29 process, including notice and an opportunity to be heard;

30 (2) The issuing tribunal lacked personal jurisdiction consistent  
31 with RCW 26.21A.100;

32 (3) The order is not enforceable in the issuing country;

33 (4) The order was obtained by fraud in connection with a matter of  
34 procedure;

35 (5) A record transmitted in accordance with section 49 of this act  
36 lacks authenticity or integrity;



1 (6) A proceeding between the same parties and having the same  
2 purpose is pending before a tribunal of this state and that proceeding  
3 was the first to be filed;

4 (7) The order is incompatible with a more recent support order  
5 involving the same parties and having the same purpose if the more  
6 recent support order is entitled to recognition and enforcement in this  
7 state;

8 (8) Payment, to the extent alleged arrears have been paid in whole  
9 or in part;

10 (9) In a case in which the respondent neither appeared nor was  
11 represented in the proceeding in the issuing foreign country when the  
12 law of that country:

13 (a) Provides for prior notice of proceedings, the respondent did  
14 not have proper notice of the proceedings and an opportunity to be  
15 heard; or

16 (b) Does not provide for prior notice of the proceedings, the  
17 respondent did not have proper notice of the order and an opportunity  
18 to be heard in a challenge or appeal on fact or law before a tribunal;  
19 or

20 (10) The order was made in violation of section 54 of this act.

21 NEW SECTION. **Sec. 52.** PARTIAL ENFORCEMENT--NEW SUPPORT ORDER.

22 (1) If a tribunal of this state may not recognize and enforce the whole  
23 of a convention support order, it shall enforce any severable part of  
24 the order. An application or direct request may seek recognition and  
25 partial enforcement of a convention support order.

26 (2) If a tribunal of this state may not recognize a convention  
27 support order under section 51 (2), (4), or (9) of this act:

28 (a) The tribunal may not dismiss the proceeding without allowing a  
29 reasonable time for a party to request the establishment of a new  
30 support order;

31 (b) The department of social and health services shall take all  
32 appropriate measures to request a child support order for the obligee  
33 if the application for recognition and enforcement was received under  
34 section 47 of this act.

35 NEW SECTION. **Sec. 53.** FOREIGN SUPPORT AGREEMENT. (1) Except as

1 provided in subsections (3) and (4) of this section, a tribunal of this  
2 state shall recognize and enforce a foreign support agreement  
3 registered in this state.

4 (2) An application or direct request for recognition and  
5 enforcement of a foreign support agreement shall be accompanied by:

- 6 (a) A complete text of the foreign support agreement; and
- 7 (b) A record stating that the foreign support agreement is  
8 enforceable as a decision in the issuing country.

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

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

- 16 (a) Recognition and enforcement of the agreement is manifestly  
17 incompatible with public policy;
- 18 (b) The agreement was obtained by fraud or falsification;
- 19 (c) The agreement is incompatible with a support order involving  
20 the same parties and having the same purpose, either in this state,  
21 another state, or a foreign country if the support order is entitled to  
22 recognition in this state; or
- 23 (d) The record submitted under subsection (2) of this section lacks  
24 authenticity or integrity.

25 (5) A proceeding for recognition and enforcement of a foreign  
26 support agreement shall be suspended during the pendency of a challenge  
27 to the agreement before a tribunal of another state or foreign country.

28 NEW SECTION. **Sec. 54.** MODIFICATION OF CHILD SUPPORT ORDER SUBJECT  
29 TO CONVENTION. (1) A tribunal of this state may not modify a child  
30 support order subject to the convention if the obligee remains a  
31 resident of the foreign country where the support order was issued  
32 unless:

- 33 (a) The obligee submits to the jurisdiction of a tribunal of this  
34 state, either expressly or by defending on the merits of the case  
35 without objecting to the jurisdiction at the first available  
36 opportunity; or

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

3 (2) If a tribunal of this state may not modify the child support  
4 order subject to the convention because the order may not be recognized  
5 in this state, the provisions of section 52(2)(a) of this act apply.

6 NEW SECTION. **Sec. 55.** PERSONAL INFORMATION--LIMIT ON USE.  
7 Personal information gathered or transmitted under this article may be  
8 used only for the purposes for which it was gathered or transmitted.

9 NEW SECTION. **Sec. 56.** ENGLISH TRANSLATION REQUIRED. A record  
10 filed with a tribunal of this state under this article must be in the  
11 original language and, if necessary, must be accompanied by an English  
12 translation.

13 NEW SECTION. **Sec. 57.** The following acts or parts of acts are  
14 each repealed:

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

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

19 NEW SECTION. **Sec. 58.** A new section is added to chapter 26.21A  
20 RCW under the subchapter heading "Article 9" to read as follows:

21 APPLICATION. This act applies to a proceeding commenced on or  
22 after the effective date of this section to establish a support order  
23 or determine parentage or to register, recognize, enforce, or modify a  
24 prior order or agreement, whether issued or entered into before, on, or  
25 after the effective date of this section.

26 NEW SECTION. **Sec. 59.** RCW 26.21A.570 and section 43 of this act  
27 are to be codified under the subchapter heading "Article 6" of chapter  
28 26.21A RCW under the subheading:

29 **"PART 4**  
30 **REGISTRATION AND MODIFICATION OF FOREIGN CHILD SUPPORT ORDER"**

1        NEW SECTION.   **Sec. 60.**   Sections 44 through 56 of this act are each  
2   added to chapter 26.21A RCW under the subchapter heading "Article 7."

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