

SECOND REGULAR SESSION

SENATE BILL NO. 921

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS CALLAHAN AND KEAVENY.

Read 1st time February 8, 2010, and ordered printed.

TERRY L. SPIELER, Secretary.

4835S.011

AN ACT

To repeal sections 454.850, 454.853, 454.855, 454.857, 454.860, 454.862, 454.865, 454.867, 454.869, 454.871, 454.874, 454.877, 454.880, 454.882, 454.885, 454.887, 454.890, 454.892, 454.895, 454.897, 454.900, 454.902, 454.905, 454.907, 454.910, 454.912, 454.915, 454.917, 454.920, 454.922, 454.927, 454.930, 454.932, 454.934, 454.936, 454.938, 454.941, 454.943, 454.946, 454.948, 454.951, 454.953, 454.956, 454.958, 454.961, 454.963, 454.966, 454.968, 454.971, 454.973, 454.976, 454.978, 454.981, 454.983, 454.986, 454.989, 454.991, 454.993, 454.995, and 454.999, RSMo, and to enact in lieu thereof seventy-eight new sections relating to the uniform interstate family support act, with a contingent effective date.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 454.850, 454.853, 454.855, 454.857, 454.860, 454.862, 2 454.865, 454.867, 454.869, 454.871, 454.874, 454.877, 454.880, 454.882, 454.885, 3 454.887, 454.890, 454.892, 454.895, 454.897, 454.900, 454.902, 454.905, 454.907, 4 454.910, 454.912, 454.915, 454.917, 454.920, 454.922, 454.927, 454.930, 454.932, 5 454.934, 454.936, 454.938, 454.941, 454.943, 454.946, 454.948, 454.951, 454.953, 6 454.956, 454.958, 454.961, 454.963, 454.966, 454.968, 454.971, 454.973, 454.976, 7 454.978, 454.981, 454.983, 454.986, 454.989, 454.991, 454.993, 454.995, and 8 454.999, RSMo, are repealed and seventy-eight new sections enacted in lieu 9 thereof, to be known as sections 454.1500, 454.1503, 454.1506, 454.1509, 10 454.1512, 454.1515, 454.1518, 454.1521, 454.1524, 454.1527, 454.1530, 454.1533, 11 454.1536, 454.1539, 454.1542, 454.1545, 454.1548, 454.1551, 454.1554, 454.1557, 12 454.1560, 454.1563, 454.1566, 454.1569, 454.1572, 454.1575, 454.1578, 454.1581, 13 454.1584, 454.1587, 454.1590, 454.1593, 454.1596, 454.1599, 454.1602, 454.1605,

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

14 454.1608, 454.1611, 454.1614, 454.1617, 454.1620, 454.1623, 454.1626, 454.1629,
15 454.1632, 454.1635, 454.1638, 454.1641, 454.1644, 454.1647, 454.1650, 454.1653,
16 454.1656, 454.1659, 454.1662, 454.1665, 454.1668, 454.1671, 454.1674, 454.1677,
17 454.1680, 454.1683, 454.1686, 454.1689, 454.1692, 454.1695, 454.1698, 454.1701,
18 454.1704, 454.1707, 454.1710, 454.1713, 454.1716, 454.1719, 454.1722, 454.1725,
19 454.1728, and 454.1730, to read as follows:

20 **ARTICLE 1**

21 **GENERAL PROVISIONS**

22 **454.1500. This act, sections 454.1500 to 454.1730, may be cited as**
23 **the Uniform Interstate Family Support Act.**

24 **454.1503. In this act, sections 454.1500 to 454.1730:**

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

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

32 (3) "Convention" means the Convention on the International
33 Recovery of Child Support and Other Forms of Family Maintenance,
34 concluded at The Hague on November 23, 2007.

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

38 (5) "Foreign country" means a country, including a political
39 subdivision thereof, other than the United States, that authorizes the
40 issuance of support orders and:

41 (A) which has been declared under the law of the United States
42 to be a foreign reciprocating country;

43 (B) which has established a reciprocal arrangement for child
44 support with this state as provided in section 454.1607;

45 (C) which has enacted a law or established procedures for the
46 issuance and enforcement of support orders which are substantially
47 similar to the procedures under sections 454.1500 to 454.1730; or

48 (D) in which the Convention is in force with respect to the
49 United States.

50 (6) "Foreign support order" means a support order of a foreign

28 **tribunal.**

29 **(7) "Foreign tribunal" means a court, administrative agency, or**
30 **quasi-judicial entity of a foreign country which is authorized to**
31 **establish, enforce, or modify support orders or to determine parentage**
32 **of a child. The term includes a competent authority under the**
33 **Convention.**

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

41 **(9) "Income" includes earnings or other periodic entitlements to**
42 **money from any source and any other property subject to withholding**
43 **for support under the law of this state.**

44 **(10) "Income-withholding order" means an order or other legal**
45 **process directed to an obligor's employer or other debtor, as defined by**
46 **section 452.350 or 454.505, to withhold support from the income of the**
47 **obligor.**

48 **(11) "Initiating tribunal" means the tribunal of a state or foreign**
49 **country from which a petition or comparable pleading is forwarded or**
50 **in which a petition or comparable pleading is filed for forwarding to**
51 **another state or foreign country.**

52 **(12) "Issuing foreign country" means the foreign country in which**
53 **a tribunal issues a support order or a judgment determining parentage**
54 **of a child.**

55 **(13) "Issuing state" means the state in which a tribunal issues a**
56 **support order or a judgment determining parentage of a child.**

57 **(14) "Issuing tribunal" means the tribunal of a state or foreign**
58 **country that issues a support order or a judgment determining**
59 **parentage of a child.**

60 **(15) "Law" includes decisional and statutory law and rules and**
61 **regulations having the force of law.**

62 **(16) "Obligee" means:**

63 **(A) an individual to whom a duty of support is or is alleged to be**
64 **owed or in whose favor a support order or a judgment determining**

65 parentage of a child has been issued;

66 (B) a foreign country, state, or political subdivision of a state to
67 which the rights under a duty of support or support order have been
68 assigned or which has independent claims based on financial assistance
69 provided to an individual obligee in place of child support;

70 (C) an individual seeking a judgment determining parentage of
71 the individual's child; or

72 (D) a person that is a creditor in a proceeding under Article 7,
73 sections 454.1680 to 454.1716.

74 (17) "Obligor" means an individual, or the estate of a decedent
75 that:

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

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

79 (C) is liable under a support order; or

80 (D) is a debtor in a proceeding under Article 7, sections 454.1680
81 to 454.1716.

82 (18) "Outside this state" means a location in another state or a
83 country other than the United States, whether or not the country is a
84 foreign country.

85 (19) "Person" means an individual, corporation, business trust,
86 estate trust, partnership, limited liability company, association, joint
87 venture, public corporation, government or governmental subdivision,
88 agency, or instrumentality, or any other legal or commercial entity.

89 (20) "Record" means information that is inscribed on a tangible
90 medium or that is stored in an electronic or other medium and is
91 retrievable in perceivable form.

92 (21) "Register" means to record or file a support order or
93 judgment determining parentage of a child issued in another state or
94 a foreign country.

95 (22) "Registering tribunal" means a tribunal in which a support
96 order or judgment determining parentage of a child is registered.

97 (23) "Responding state" means a state in which a petition or
98 comparable pleading for support or to determine parentage of a child
99 is filed or to which a petition or comparable pleading is forwarded for
100 filing from another state or a foreign country.

101 (24) "Responding tribunal" means the authorized tribunal in a

102 responding state or foreign country.

103 (25) "Spousal support order" means a support order for a spouse
104 or former spouse of the obligor.

105 (26) "State" means a state of the United States, the District of
106 Columbia, the Commonwealth of Puerto Rico, the United States Virgin
107 Islands or any territory or insular possession under the jurisdiction of
108 the United States. The term "state" includes an Indian nation or tribe.

109 (27) "Support enforcement agency" means a public official,
110 governmental entity, or private agency authorized to:

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

113 (B) seek establishment or modification of child support;

114 (C) request determination of parentage of a child;

115 (D) attempt to locate obligors or their assets; or

116 (E) request determination of the controlling child support order.

117 (28) "Support order" means a judgment, decree, order, decision,
118 or directive, whether temporary, final, or subject to modification,
119 issued in a state or foreign country for the benefit of a child, a spouse,
120 or a former spouse, which provides for monetary support, health care,
121 arrearages, retroactive support, or reimbursement for financial
122 assistance provided to an individual obligee in place of child
123 support. The term may include related costs and fees, interest, income
124 withholding, automatic adjustment, reasonable attorney's fees, and
125 other relief.

126 (29) "Tribunal" means a court, administrative agency, or
127 quasi-judicial entity authorized to establish, enforce, or modify support
128 orders or to determine parentage of a child.

454.1506. (a) The courts and the department of social services
2 are the tribunals of this state.

3 (b) The attorney general and department of social services are
4 the support enforcement agencies of this state.

454.1509. (a) Remedies provided by sections 454.1500 to 454.1730
2 are cumulative and do not affect the availability of remedies under
3 other law or the recognition of a foreign support order on the basis of
4 comity.

5 (b) Sections 454.1500 to 454.1730 do not:

6 (1) provide the exclusive method of establishing or enforcing a

7 support order under the law of this state; or
8 (2) grant a tribunal of this state jurisdiction to render judgment
9 or issue an order relating to child custody or visitation in a proceeding
10 under sections 454.1500 to 454.1730.

454.1512. (a) A tribunal of this state shall apply Articles 1 to 6,
2 sections 454.1500 to 454.1677, and, as applicable, Article 7, sections
3 454.1680 to 454.1716, to a support proceeding involving:

4 (1) a foreign support order;
5 (2) a foreign tribunal; or
6 (3) an obligee, obligor, or child residing in a foreign country.
7 (b) A tribunal of this state that is requested to recognize and
8 enforce a support order on the basis of comity may apply the
9 procedural and substantive provision of Articles 1 to 6, sections
10 454.1500 to 454.1677.

11 (c) Article 7, sections 454.1680 to 454.1716, apply only to support
12 proceedings under the Convention. In such a proceeding, if a provision
13 of Article 7, sections 454.1680 to 454.1716, is inconsistent with Articles
14 1 to 6, sections 454.1500 to 454.1677, Article 7, sections 454.1680 to
15 454.1716, controls.

ARTICLE 2

JURISDICTION

454.1515. (a) In a proceeding to establish, enforce, or modify a
2 support order or to determine parentage of a child, a tribunal of this
3 state may exercise personal jurisdiction over a nonresident individual
4 or the individual's guardian or conservator if:

5 (1) the individual is personally served with notice within this
6 state;
7 (2) the individual submits to the jurisdiction of this state by
8 consent, by entering a general appearance, or by filing a responsive
9 document having the effect of waiving any contest to personal
10 jurisdiction;
11 (3) the individual resided with the child in this state;
12 (4) the individual resided in this state and provided prenatal
13 expenses or support for the child;
14 (5) the child resides in this state as a result of the acts or
15 directives of the individual;
16 (6) the individual engaged in sexual intercourse in this state and

17 the child may have been conceived by that act of intercourse;

18 (7) the individual asserted parentage in the putative father
19 registry maintained in this state by the department of health and
20 senior services; or

21 (8) there is any other basis consistent with the constitutions of
22 this state and the United States for the exercise of personal
23 jurisdiction.

24 (b) The bases of personal jurisdiction set forth in subsection (a)
25 or in any other law of this state may not be used to acquire personal
26 jurisdiction for a tribunal of this state to modify a child support order
27 of another state unless the requirements of section 454.1659 are met, or,
28 in the case of a foreign support order, unless the requirements of
29 section 454.1674 are met.

454.1518. Personal jurisdiction acquired by a tribunal of this
2 state in a proceeding under sections 454.1500 to 454.1730 or other law
3 of this state relating to a support order continues as long as a tribunal
4 of this state has continuing, exclusive jurisdiction to modify its order
5 or continuing jurisdiction to enforce its order as provided by sections
6 454.1527, 454.1530, and 454.1545.

454.1521. Under sections 454.1500 to 454.1730, a tribunal of this
2 state may serve as an initiating tribunal to forward proceedings to
3 another state and as a responding tribunal for proceedings initiated in
4 another state or the foreign country.

454.1524. (a) A tribunal of this state may exercise jurisdiction to
2 establish a support order if the petition or comparable pleading is filed
3 after a petition or comparable pleading is filed in another state or a
4 foreign country only if:

5 (1) the petition or comparable pleading in this state is filed
6 before the expiration of the time allowed in the other state or the
7 foreign country for filing a responsive pleading challenging the
8 exercise of jurisdiction by the other state or the foreign country;

9 (2) the contesting party timely challenges the exercise of
10 jurisdiction in the other state or the foreign country; and

11 (3) if relevant, this state is the home state of the child.

12 (b) A tribunal of this state may not exercise jurisdiction to
13 establish a support order if the petition or comparable pleading is filed
14 before a petition or comparable pleading is filed in another state or a

15 foreign country if:

16 (1) the petition or comparable pleading in the other state or
17 foreign country is filed before the expiration of the time allowed in this
18 state for filing a responsive pleading challenging the exercise of
19 jurisdiction by this state;

20 (2) the contesting party timely challenges the exercise of
21 jurisdiction in this state; and

22 (3) if relevant, the other state is the home state of the child.

454.1527. (a) A tribunal of this state that has issued a child
2 support order consistent with the law of this state has and shall
3 exercise continuing, exclusive jurisdiction to modify its child support
4 order if the order is the controlling order: and

5 (1) at the time of filing of a request for modification this state is
6 the residence of the obligor, the individual obligee, or the child for
7 whose benefit the support order is issued; or

8 (2) even if this state is not the residence of the obligor, the
9 individual obligee, or the child for whose benefit the support order is
10 issued, the parties consent in a record or in open court that the
11 tribunal of this state may continue to exercise jurisdiction to modify its
12 order.

13 (b) A tribunal of this state that has issued a child support order
14 consistent with the law of this state may not exercise continuing,
15 exclusive jurisdiction to modify the order if:

16 (1) all of the parties who are individuals file consent in a record
17 with the tribunal of this state that a tribunal of another state that has
18 jurisdiction over at least one of the parties who is an individual or that
19 is located in the state of residence of the child may modify the order
20 and assume continuing, exclusive jurisdiction; or

21 (2) its order is not the controlling order.

22 (c) If a tribunal of another state has issued a child support order
23 pursuant to sections 454.1500 to 454.1730 or a law substantially similar
24 to sections 454.1500 to 454.1730 which modifies a child support order of
25 a tribunal of this state, tribunals of this state shall recognize the
26 continuing, exclusive jurisdiction of the tribunal of the other state.

27 (d) A tribunal of this state that lacks continuing, exclusive
28 jurisdiction to modify a child support order may serve as an initiating
29 tribunal to request a tribunal of another state to modify a support

30 order issued in that state.

31 (e) A temporary support order issued ex parte or pending
32 resolution of a jurisdictional conflict does not create continuing,
33 exclusive jurisdiction in the issuing tribunal.

454.1530. (a) A tribunal of this state that has issued a child
2 support order consistent with the law of this state may serve as an
3 initiating tribunal to request a tribunal of another state to enforce:

4 (1) the order if the order is the controlling order and has not
5 been modified by a tribunal of another state that assumed jurisdiction
6 pursuant to sections 454.1500 to 454.1730; or

7 (2) a money judgment for arrears of support and interest on the
8 order accrued before a determination that an order of a tribunal of
9 another state is the controlling order.

10 (b) A tribunal of this state having continuing jurisdiction over
11 a support order may act as a responding tribunal to enforce the order.

454.1533. (a) If a proceeding is brought under sections 454.1500
2 to 454.1730, and only one tribunal has issued a child support order, the
3 order of that tribunal is controlling and must be recognized.

4 (b) If a proceeding is brought under sections 454.1500 to
5 454.1730, and two or more child support orders have been issued by
6 tribunals of this state, another state, or a foreign country with regard
7 to the same obligor and child, a tribunal of this state having personal
8 jurisdiction over both the obligor and individual obligee shall apply the
9 following rules and by order shall determine which order controls and
10 must be recognized:

11 (1) If only one of the tribunals would have continuing, exclusive
12 jurisdiction under sections 454.1500 to 454.1730, the order of that
13 tribunal controls.

14 (2) If more than one of the tribunals would have continuing,
15 exclusive jurisdiction under sections 454.1500 to 454.1730:

16 (A) an order issued by a tribunal in the current home state of the
17 child controls; or

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

20 (3) If none of the tribunals would have continuing, exclusive
21 jurisdiction under sections 454.1500 to 454.1730, the tribunal of this
22 state shall issue a child support order, which controls.

23 (c) If two or more child support orders have been issued for the
24 same obligor and same child, upon request of a party who is an
25 individual or that is a support enforcement agency, a tribunal of this
26 state having personal jurisdiction over both the obligor and the obligee
27 who is an individual shall determine which order controls under
28 subsection (b). The request may be filed with a registration for
29 enforcement or registration for modification pursuant to Article 6,
30 sections 454.1632 to 454.1677, or may be filed as a separate proceeding.

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

36 (e) The tribunal that issued the controlling order under
37 subsections (a), (b), or (c) has continuing jurisdiction to the extent
38 provided in section 454.1527 or 454.1530.

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

- 42 (1) the basis upon which the tribunal made its determination;
- 43 (2) the amount of prospective support, if any; and
- 44 (3) the total amount of consolidated arrears and accrued
45 interest, if any, under all of the orders after all payments made are
46 credited as provided by section 454.1539.

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

55 (h) An order that has been determined to be the controlling
56 order, or a judgment for consolidated arrears of support and interest,
57 if any, made pursuant to this section must be recognized in proceedings
58 under sections 454.1500 to 454.1730.

454.1536. In responding to multiple registrations or petitions for

2 enforcement of two or more child support orders in effect at the same
3 time with regard to the same obligor and different individual obligees,
4 at least one of which was issued by a tribunal of another state or a
5 foreign country, a tribunal of this state shall enforce those orders in
6 the same manner as if the multiple orders had been issued by a
7 tribunal of this state.

454.1539. A tribunal of this state shall credit amounts collected
2 for a particular period pursuant to any support order against the
3 amounts owed for the same period under any other support order for
4 support of the same child issued by a tribunal of this state, another
5 state, or a foreign country.

454.1542. A tribunal of this state exercising personal jurisdiction
2 over a nonresident in a proceeding under sections 454.1500 to 454.1730,
3 under other law of this state relating to a support order, or recognizing
4 a foreign support order may receive evidence from outside this state
5 pursuant to section 454.1590, communicate with a tribunal outside this
6 state pursuant to section 454.1593, and obtain discovery through a
7 tribunal outside this state pursuant to section 454.1596. In all other
8 respects, Article 3 through 6, sections 454.1548 to 454.1677, do not
9 apply, and the tribunal shall apply the procedural and substantive law
10 of this state.

454.1545. (a) A tribunal of this state issuing a spousal support
2 order consistent with the law of this state has continuing, exclusive
3 jurisdiction to modify the spousal support order throughout the
4 existence of the support obligation.

(b) A tribunal of this state may not modify a spousal support
6 order issued by a tribunal of another state or a foreign country having
7 continuing, exclusive jurisdiction over that order under the law of that
8 state or foreign country.

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

11 (1) an initiating tribunal to request a tribunal of another state
12 to enforce the spousal order issued in this state; or

13 (2) a responding tribunal to enforce or modify its own spousal
14 support order.

ARTICLE 3

CIVIL PROVISIONS OF GENERAL APPLICATION

454.1548. (a) Except as otherwise provided in sections 454.1500
2 to 454.1730, this article, sections 454.1548 to 454.1602, applies to all
3 proceedings under sections 454.1500 to 454.1730.

4 (b) An individual petitioner or a support enforcement agency
5 may initiate a proceeding authorized under sections 454.1500 to
6 454.1730 by filing a petition in an initiating tribunal for forwarding to
7 a responding tribunal or by filing a petition or a comparable pleading
8 directly in a tribunal of another state or foreign country which has or
9 can obtain personal jurisdiction over the respondent.

454.1551. A minor parent, or a guardian or other legal
2 representative of a minor parent, may maintain a proceeding on behalf
3 of or for the benefit of the minor's child.

454.1554. Except as otherwise provided by sections 454.1500 to
2 454.1730, a responding tribunal of this state shall:

3 (1) apply the procedural and substantive law, generally
4 applicable to similar proceedings originating in this state and may
5 exercise all powers and provide all remedies available in those
6 proceedings; and

7 (2) determine the duty of support and the amount payable in
8 accordance with the law and support guidelines of this state.

454.1557. (a) Upon the filing of a petition authorized by sections
2 454.1500 to 454.1730, an initiating tribunal of this state shall forward
3 the petition and its accompanying documents:

4 (1) to the responding tribunal or appropriate support
5 enforcement agency in the responding state; or

6 (2) if the identity of the responding tribunal is unknown, to the
7 state information agency of the responding state with a request that
8 they be forwarded to the appropriate tribunal and that receipt be
9 acknowledged.

10 (b) If requested by a responding state, a tribunal of this state
11 shall issue a certificate or other documents and make findings required
12 by the law of the responding state. If the responding tribunal is in a
13 foreign country, upon request the tribunal of this state shall specify the
14 amount of support sought, convert that amount into the equivalent
15 amount in the foreign currency under applicable official or market
16 exchange rate as publicly reported, and provide any other documents
17 necessary to satisfy the requirements of the responding foreign

18 **tribunal.**

454.1560. (a) When a responding tribunal of this state receives
2 a petition or comparable pleading from an initiating tribunal or
3 directly pursuant to subsection (c) of section 454.1548, it shall cause the
4 petition or pleading to be filed and notify the petitioner where and
5 when it was filed.

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

8 (1) establish or enforce a support order, modify a child support
9 order, determine the controlling child support order, or determine
10 parentage of the child;

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

13 (3) order income withholding;

14 (4) determine the amount of any arrearages, and specify a
15 method of payment;

16 (5) enforce orders by civil or criminal contempt, or both;

17 (6) set aside property for satisfaction of the support order;

18 (7) place liens and order execution on the obligor's property;

19 (8) order an obligor to keep the tribunal informed of the
20 obligor's current residential address, electronic mail address, telephone
21 number, employer, address of employment, and telephone number at
22 the place of employment;

23 (9) issue a bench warrant for an obligor who has failed after
24 proper notice to appear at a hearing ordered by the tribunal and enter
25 the bench warrant in any local and state computer systems for criminal
26 warrants;

27 (10) order the obligor to seek appropriate employment by
28 specified methods;

29 (11) award reasonable attorney's fees and other fees and costs;
30 and

31 (12) grant any other available remedy.

32 (c) A responding tribunal of this state shall include a support
33 order issued under sections 454.1500 to 454.1730, or in the documents
34 accompanying the order, the calculations on which the support order
35 is based.

36 (d) A responding tribunal of this state may not condition the

37 **payment of a support order issued under sections 454.1500 to 454.1730**
38 **upon compliance by a party with provisions for visitation.**

39 **(e) If a responding tribunal of this state issues an order under**
40 **sections 454.1500 to 454.1730, the tribunal shall send a copy of the order**
41 **to the petitioner and the respondent and to the initiating tribunal, if**
42 **any.**

43 **(f) If requested to enforce a support order, arrears, or judgment**
44 **or modify a support order stated in a foreign currency, a responding**
45 **tribunal of this state shall convert the amount stated in the foreign**
46 **currency to the equivalent amount in dollars under the applicable**
47 **official or market exchange rate as publicly reported.**

454.1563. If a petition or comparable pleading is received by an
2 **inappropriate tribunal of this state, the tribunal shall forward the**
3 **pleading and accompanying documents to an appropriate tribunal of**
4 **this state or another state and notify the petitioner where and when**
5 **the pleading was sent.**

454.1566. (a) A support enforcement agency of this state, upon
2 **request, shall provide services to a petitioner in a proceeding under**
3 **sections 454.1500 to 454.1730.**

4 **(b) A support enforcement agency of this state that is providing**
5 **services to the petitioner as appropriate shall:**

6 **(1) take all steps necessary to enable an appropriate tribunal in**
7 **this state, another state, or a foreign country to obtain jurisdiction over**
8 **the respondent;**

9 **(2) request an appropriate tribunal to set a date, time, and place**
10 **for a hearing;**

11 **(3) make a reasonable effort to obtain all relevant information,**
12 **including information as to income and property of the parties;**

13 **(4) within two days, exclusive of Saturdays, Sundays, and legal**
14 **holidays, after receipt of a written notice from an initiating,**
15 **responding, or registering tribunal, send a copy of the notice to the**
16 **petitioner;**

17 **(5) within two days, exclusive of Saturdays, Sundays, and legal**
18 **holidays, after receipt of communication in a record from the**
19 **respondent or the respondent's attorney, send a copy of the**
20 **communication to the petitioner; and**

21 **(6) notify the petitioner if jurisdiction over the respondent**

22 cannot be obtained.

23 (c) A support enforcement agency of this state that requests
24 registration of a child support order in this state for enforcement or for
25 modification shall make reasonable efforts:

26 (1) to ensure that the order to be registered is the controlling
27 order; or

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

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

37 (e) A support enforcement agency of this state shall issue or
38 request a tribunal of this state to issue a child support order and an
39 income withholding order that redirect payment of current support,
40 arrears, and interest if requested to do so by a support enforcement
41 agency of another state pursuant to section 454.1602.

42 (f) Sections 454.1500 to 454.1730 do not create or negate a
43 relationship of attorney and client or other fiduciary relationship
44 between a support enforcement agency or the attorney for the agency
45 and the individual being assisted by the agency.

454.1569. (a) If the attorney general determines that the support
2 enforcement agency is neglecting or refusing to provide services to an
3 individual, the attorney general may order the agency to perform its
4 duties under sections 454.1500 to 454.1730 or may provide those
5 services directly to the individual.

6 (b) The attorney general may determine that a foreign country
7 has established a reciprocal arrangement for child support with this
8 state and take appropriate action for notification of the determination.

454.1572. An individual may employ private counsel to represent
2 the individual in proceedings authorized by sections 454.1500 to
3 454.1730.

454.1575. (a) The family support division within the department
2 of social services is the state information agency under sections

3 454.1500 to 454.1730.

4 (b) The state information agency shall:

5 (1) compile and maintain a current list, including addresses, of
6 the tribunals in this state which have jurisdiction under sections
7 454.1500 to 454.1730 and any support enforcement agencies in this state
8 and transmit a copy to the state information agency of every other
9 state;

10 (2) maintain a register of names and address of tribunals and
11 support enforcement agencies received from other states;

12 (3) forward to the appropriate tribunal in the county in this state
13 in which the individual obligee or the obligor resides, or in which the
14 obligor's property is believed to be located, all documents concerning
15 a proceeding under sections 454.1500 to 454.1730 received from another
16 state or foreign country; and

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

454.1578. (a) In a proceeding under sections 454.1500 to 454.1730,
2 a petitioner seeking to establish a support order, to determine
3 parentage of a child, or to register and modify a support order of a
4 tribunal of another state or a foreign country must file a
5 petition. Unless otherwise ordered under section 454.1581, the petition
6 or accompanying documents must provide, so far as known, the name,
7 residential address, and Social Security numbers of the obligor and the
8 obligee or the parent and alleged parent, and the name, sex, residential
9 address, Social Security number, and date of birth of each child for
10 whom support is sought or whose parentage is to be
11 determined. Unless filed at the time of registration, the petition must
12 be accompanied by a certified copy of any support order known to have
13 been issued by another tribunal. The petition may include any other
14 information that may assist in locating or identifying the respondent.

15 (b) The petition must specify the relief sought. The petition and

16 accompanying documents must conform substantially with the
17 requirements imposed by the forms mandated by federal law for use in
18 cases filed by a support enforcement agency.

454.1581. If a party alleges in an affidavit or a pleading under
2 oath that the health, safety, or liberty of a party or child would be
3 jeopardized by disclosure of specific identifying information, that
4 information must be sealed and may not be disclosed to the other party
5 or the public. After a hearing in which a tribunal takes into
6 consideration the health, safety, or liberty of the party or child, the
7 tribunal may order disclosure of information that the tribunal
8 determines to be in the interest of justice.

454.1584. (a) The petitioner may not be required to pay a filing
2 fee or other costs.

(b) If an obligee prevails, a responding tribunal of this state may
4 assess against an obligor filing fees, reasonable attorney's fees, other
5 costs, and necessary travel and other reasonable expenses incurred by
6 the obligee and the obligee's witnesses. The tribunal may not assess
7 fees, costs, or expenses against the obligee or the support enforcement
8 agency of either the initiating or the responding state or foreign
9 country, except as provided by other law. Attorney's fees may be taxed
10 as costs, and may be ordered paid directly to the attorney, who may
11 enforce the order in the attorney's own name. Payment of support
12 owed to the obligee has priority over fees, costs and expenses.

(c) The tribunal shall order the payment of costs and reasonable
14 attorney's fees if it determines that a hearing was requested primarily
15 for delay. In a proceeding under Article 6, sections 454.1632 to
16 454.1677, a hearing is presumed to have been requested primarily for
17 delay if a registered support order is confirmed or enforced without
18 change.

454.1587. (a) Participation by a petitioner in a proceeding under
2 sections 454.1500 to 454.1730 before a responding tribunal, whether in
3 person, by private attorney, or through services provided by the
4 support enforcement agency, does not confer personal jurisdiction over
5 the petitioner in another proceeding.

(b) A petitioner is not amenable to service of civil process while
7 physically present in this state to participate in a proceeding under
8 sections 454.1500 to 454.1730.

9 (c) The immunity granted by this section does not extend to civil
10 litigation based on acts unrelated to a proceeding under sections
11 454.1500 to 454.1730 committed by a party while present in this state to
12 participate in the proceeding.

 454.1590. A party whose parentage of a child has been previously
2 determined by or pursuant to law may not plead nonparentage as a
3 defense to a proceeding under sections 454.1500 to 454.1730.

 454.1593. (a) The physical presence of a nonresident party who
2 is an individual in a tribunal of this state is not required for the
3 establishment, enforcement, or modification of a support order or the
4 rendition of a judgment determining parentage of a child.

 (b) An affidavit, a document substantially complying with
6 federally mandated forms, or a document incorporated by reference in
7 any of them, which would not be excluded under the hearsay rule if
8 given in person, is admissible in evidence if given under oath by a
9 party or witness residing outside this state.

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

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

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

23 (f) In a proceeding under sections 454.1500 to 454.1730, a tribunal
24 of this state may permit a party or witness residing outside this state
25 to be deposed or to testify under penalty of perjury by telephone,
26 audiovisual means, or other electronic means at a designated tribunal
27 or other location. A tribunal of this state shall cooperate with other
28 tribunals in designating an appropriate location for the deposition or
29 testimony.

30 (g) If a party called to testify at a civil hearing refuses to answer

31 on the ground that the testimony may be self-incriminating, the trier
32 of fact may draw an adverse inference from the refusal.

33 (h) A privilege against disclosure of communications between
34 spouses does not apply in a proceeding under sections 454.1500 to
35 454.1730.

36 (i) The defense of immunity based on the relationship of husband
37 and wife or parent and child does not apply in a proceeding under
38 sections 454.1500 to 454.1730.

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

454.1596. A tribunal of this state may communicate with a
2 tribunal outside this state in a record, or by telephone, electronic mail,
3 or other means, to obtain information concerning the laws, the legal
4 effect of a judgment, decree, or order of that tribunal, and the status of
5 a proceeding. A tribunal of this state may furnish similar information
6 by similar means to a tribunal outside this state.

454.1599. A tribunal of this state may:

2 (1) request a tribunal outside this state to assist in obtaining
3 discovery; and

4 (2) upon request, compel a person over which it has jurisdiction
5 to respond to a discovery order issued by a tribunal outside this state.

454.1602. (a) A support enforcement agency or tribunal of this
2 state shall disburse promptly any amounts received pursuant to a
3 support order, as directed by the order. The agency or tribunal shall
4 furnish to a requesting party or tribunal of another state or a foreign
5 country a certified statement by the custodian of the record of the
6 amounts and dates of all payments received.

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

11 (1) direct that the support payment be made to the support
12 enforcement agency in the state in which the obligee is receiving
13 services; and

14 (2) issue and send to the obligor's employer income withholding
15 order or an administrative notice of change of payee, reflecting the
16 redirected payments.

5 to 454.1730.

6

ARTICLE 5

7

ENFORCEMENT OF SUPPORT ORDER WITHOUT REGISTRATION

454.1611. An income withholding order issued in another state
2 may be sent by or on behalf of the obligee, or by the support
3 enforcement agency, to the person defined as the obligor's employer
4 under section 452.350 or 454.505 without first filing a petition or
5 comparable pleading or registering the order with a tribunal of this
6 state.

454.1614. (a) Upon receipt of an income withholding order, the
2 obligor's employer shall immediately provide a copy of the order to the
3 obligor.

4 (b) The employer shall treat an income withholding order issued
5 in another state which appears regular on its face as if it had been
6 issued by a tribunal of this state.

7 (c) Except as provided in subsection (d) of this section and
8 section 454.1617, the employer shall withhold and distribute the funds
9 as directed in the withholding order by complying with the terms of the
10 order which specify:

11 (1) the duration and the amount of periodic payments of current
12 child support, stated as a sum certain;

13 (2) the person or agency designated to receive payments and the
14 address to which the payments are to be forwarded;

15 (3) medical support, whether in the form of periodic cash
16 payment, stated as a sum certain, or ordering the obligor to provide
17 health insurance coverage for the child under a policy available
18 through the obligor's employment;

19 (4) the amount of periodic payments of fees and costs for a
20 support enforcement agency, the issuing tribunal, and the obligee's
21 attorney, stated as sums certain; and

22 (5) the amount of periodic payments of arrears and interest on
23 arrears, stated as sums certain.

24 (d) The employer shall comply with the law of the state of the
25 obligor's principal place of employment for withholding from income
26 with respect to:

27 (1) the employer's fee for processing an income withholding
28 order;

29 (2) the maximum amount permitted to be withheld from the
30 obligor's income; and

31 (3) the times within which the employer must implement the
32 withholding order and forward the child support payment.

 454.1617. If the obligor's employer receives two or more income
2 withholding orders with respect to the earnings of the same obligor, the
3 employer shall be deemed to have satisfied the terms of the orders if
4 the employer complies with the law of the state of the obligor's
5 principal place of employment to establish the priorities for
6 withholding and allocating income withheld for two or more child
7 support orders.

 454.1620. An employer that complies with an income withholding
2 order issued in another state in accordance with sections 454.1611 to
3 454.1629 is not subject to civil liability to any individual or agency with
4 regard to the employer's withholding child support from the obligor's
5 income.

 454.1623. An employer that willfully fails to comply with an
2 income withholding order issued in another state and received for
3 enforcement is subject to the same penalties that may be imposed for
4 noncompliance with an order issued by a tribunal of this state.

 454.1626. (a) An obligor may contest the validity or enforcement
2 of an income withholding order issued in another state and received
3 directly by an employer in this state by registering the order in a
4 tribunal of this state and filing a contest to that order as provided in
5 Article 6, sections 454.1632 to 454.1677, or otherwise contesting the
6 order in the same manner as if the order had been issued by a tribunal
7 of this state.

8 (b) The obligor shall give notice of the contest to:

9 (1) a support enforcement agency providing services to the
10 obligee;

11 (2) each employer which has directly received an income
12 withholding order relating to the obligor; and

13 (3) the person designated to receive payments in the income
14 withholding order or, if no person or agency is designated, to the
15 obligee.

 454.1629. (a) A party or support enforcement agency seeking to
2 enforce a support order or an income withholding order, or both,

3 issued in another state or a foreign support order may send the
4 documents required for registering the order to a support enforcement
5 agency of this state.

6 (b) Upon receipt of the documents, the support enforcement
7 agency, without initially seeking to register the order, shall consider
8 and, if appropriate, use any administrative procedure authorized by the
9 law of this state to enforce a support order or an income withholding
10 order, or both. If the obligor does not contest administrative
11 enforcement, the order need not be registered. If the obligor contests
12 the validity or administrative enforcement of the order, the support
13 enforcement agency shall register the order pursuant to sections
14 454.1500 to 454.1730.

15 ARTICLE 6

16 REGISTRATION, ENFORCEMENT, AND MODIFICATION OF 17 SUPPORT ORDER

18 Part 1

19 REGISTRATION FOR ENFORCEMENT OF SUPPORT ORDER

20 454.1632. A support order or an income withholding order issued
21 in another state or a foreign support order may be registered in this
22 state for enforcement.

23 454.1635. (a) Except as otherwise provided in section 454.1695,
24 a support order or income withholding order of another state or a
25 foreign support order may be registered in this state by sending the
26 following records to the appropriate tribunal in this state:

27 (1) a letter of transmittal to the tribunal requesting registration
28 and enforcement;

29 (2) two copies, including one certified copy, of all orders to be
30 registered, including any modification of an order;

31 (3) a sworn statement by the person requesting registration or
32 a certified statement by the custodian of the records showing the
33 amount of any arrearage;

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

35 (A) the obligor's address and Social Security number;

36 (B) the name and address of the obligor's employer and any other
37 source of income of the obligor; and

38 (C) a description and the location of property of the obligor in
39 this state not exempt from execution; and

18 (5) except as otherwise provided in section 454.1581, the name
19 and address of the obligee and, if applicable, the person to whom
20 support payments are to be remitted.

21 (b) On receipt of a request for registration, the registering
22 tribunal shall cause the order to be filed as an order of a tribunal of
23 another state or a foreign support order, together with one copy of the
24 documents and information, regardless of their form.

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

29 (d) If two or more orders are in effect, the person requesting
30 registration shall:

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

33 (2) specify the order alleged to be the controlling order, if any;
34 and

35 (3) specify the amount of consolidated arrears, if any.

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

454.1638. (a) A support order or income withholding order
2 issued in another state or a foreign support order is registered when
3 the order is filed in the registering tribunal of this state.

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

7 (c) Except as otherwise provided in sections 454.1500 to 454.1730,
8 a tribunal of this state shall recognize and enforce, but may not modify,
9 a registered support order if the issuing tribunal had jurisdiction.

454.1641. (a) Except as otherwise provided in subsection (d), the
2 law of the issuing state or foreign country governs:

3 (1) the nature, extent, amount, and duration of current payments
4 under a registered support order;

5 (2) the computation and payment of arrearages and accrual of

6 interest on the arrearages under the support order; and

7 (3) the existence and satisfaction of other obligations under the
8 support order.

9 (b) In a proceeding for arrears under a registered support order,
10 the statute of limitation of this state or of the issuing state or foreign
11 country, whichever is longer, applies.

12 (c) A responding tribunal of this state shall apply the procedures
13 and remedies of this state to enforce current support and collect
14 arrears and interest due on a support order of another state or a
15 foreign country registered in this state.

16 (d) After a tribunal of this state or another state determines
17 which is the controlling order and issues an order consolidating
18 arrears, if any, a tribunal of this state shall prospectively apply the law
19 of the state or foreign country issuing the controlling order, including
20 its law on interest on arrears, on current and future support, and on
21 consolidated arrears.

22 Part 2

23 CONTEST OF VALIDITY OF ENFORCEMENT

454.1644. (a) When a support order or income withholding order
2 issued in another state or a foreign support order is registered, the
3 registering tribunal of this state shall notify the nonregistering
4 party. The notice must be accompanied by a copy of the registered
5 order and the documents and relevant information accompanying the
6 order.

7 (b) The notice must inform the nonregistering party:

8 (1) that a registered order is enforceable as of the date of
9 registration in the same manner as an order issued by a tribunal of this
10 state;

11 (2) that a hearing to contest the validity or enforcement of the
12 registered order must be requested within twenty days after notice
13 unless the registered order is under section 454.1698;

14 (3) that failure to contest the validity or enforcement of the
15 registered order in a timely manner will result in confirmation of the
16 order and enforcement of the order and the alleged arrearages; and

17 (4) of the amount of any alleged arrearages.

18 (c) If the registering party asserts that two or more orders are
19 in effect, a notice must also:

20 (1) identify the two or more orders and the order alleged by the
21 registering party to be the controlling order and the consolidated
22 arrears, if any;

23 (2) notify the nonregistering party of the right to a
24 determination of which is the controlling order;

25 (3) state that the procedures provided in subsection (b) apply to
26 the determination of which is the controlling order; and

27 (4) state that failure to contest the validity or enforcement of the
28 order alleged to be the controlling order in a timely manner may result
29 in confirmation that the order is the controlling order.

30 (d) Upon registration of an income withholding order for
31 enforcement, the support enforcement agency or the registering
32 tribunal shall notify the obligor's employer pursuant to section 452.350
33 or 454.505.

454.1647. (a) A nonregistering party seeking to contest the
2 validity or enforcement of a registered support order in this state shall
3 request a hearing within the time required by section 454.1644. The
4 nonregistering party may seek to vacate the registration, to assert any
5 defense to an allegation of noncompliance with the registered order, or
6 to contest the remedies being sought or the amount of any alleged
7 arrearages pursuant to section 454.1650.

8 (b) If the nonregistering party fails to contest the validity or
9 enforcement of the registered support order in a timely manner, the
10 order is confirmed by operation of law.

11 (c) If a nonregistering party requests a hearing to contest the
12 validity or enforcement of the registered support order, the registering
13 tribunal shall schedule the matter for hearing and give notice to the
14 parties of the date, time, and place of the hearing.

454.1650. (a) A party contesting the validity or enforcement of
2 a registered support order or seeking to vacate the registration has the
3 burden of proving one or more of the following defenses:

4 (1) the issuing tribunal lacked personal jurisdiction over the
5 contesting party;

6 (2) the order was obtained by fraud;

7 (3) the order has been vacated, suspended, or modified by a later
8 order;

9 (4) the issuing tribunal has stayed the order pending appeal;

10 (5) there is a defense under the law of this state to the remedy
11 sought;

12 (6) full or partial payment has been made;

13 (7) the statute of limitation under section 454.1641 precludes
14 enforcement of some or all of the alleged arrearages; or

15 (8) the alleged controlling order is not the controlling order.

16 (b) If a party presents evidence establishing a full or partial
17 defense under subsection (a), a tribunal may stay enforcement of a
18 registered support order, continue the proceeding to permit production
19 of additional relevant evidence, and issue other appropriate orders. An
20 uncontested portion of the registered support order may be enforced
21 by all remedies available under the law of this state.

22 (c) If the contesting party does not establish a defense under
23 subsection (a) to the validity or enforcement of a registered support
24 order, the registering tribunal shall issue an order confirming the
25 order.

454.1653. Confirmation of a registered support order, whether by
2 operation of law or after notice and hearing, precludes further contest
3 of the order with respect to any matter that could have been asserted
4 at the time of registration.

5 Part 3

6 REGISTRATION AND MODIFICATION OF CHILD SUPPORT ORDER OF
7 ANOTHER STATE

454.1656. A party or support enforcement agency seeking to
2 modify, or to modify and enforce, a child support order issued in
3 another state shall register that order in this state in the same manner
4 provided in sections 454.1632 through 454.1653 if the order has not been
5 registered. A petition for modification may be filed at the same time as
6 a request for registration, or later. The pleading must specify the
7 grounds for modification.

454.1659. A tribunal of this state may enforce a child support
2 order of another state registered for purposes of modification, in the
3 same manner as if the order had been issued by a tribunal of this state,
4 but the registered support order may be modified only if the
5 requirements of section 454.1662 or 454.1668 have been met.

454.1662. (a) If section 454.1668 does not apply, upon petition a
2 tribunal of this state may modify a child support order issued in

3 another state which is registered in this state if, after notice and
4 hearing, the tribunal finds that:

5 (1) the following requirements are met:

6 (A) neither the child, nor the obligee who is an individual, nor
7 the obligor resides in the issuing state;

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

10 (C) the respondent is subject to the personal jurisdiction of the
11 tribunal of this state; or

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

17 (b) Modification of a registered child support order is subject to
18 the same requirements, procedures, and defenses that apply to the
19 modification of an order issued by a tribunal of this state and the order
20 may be enforced and satisfied in the same manner.

21 (c) A tribunal of this state may not modify any aspect of a child
22 support order that may not be modified under the law of the issuing
23 state, including the duration of the obligation of support. If two or
24 more tribunals have issued child support orders for the same obligor
25 and same child, the order that controls and must be so recognized
26 under section 454.1533 establishes the aspects of the support order
27 which are nonmodifiable.

28 (d) In a proceeding to modify a child support order, the law of
29 the state that is determined to have issued the initial controlling order
30 governs the duration of the obligation of support. The obligor's
31 fulfillment of the duty of support established by that order precludes
32 imposition of a further obligation of support by a tribunal of this state.

33 (e) On the issuance of an order by a tribunal of this state
34 modifying a child support order issued in another state, the tribunal of
35 this state becomes the tribunal having continuing, exclusive
36 jurisdiction.

37 (f) Notwithstanding subsections (a) through (e) and subsection
38 (b) of section 454.1515, a tribunal of this state retains jurisdiction to
39 modify an order issued by a tribunal of this state if:

- 40 (1) one party resides in another state; and
41 (2) the other party resides outside the United States.

454.1665. If a child support order issued by a tribunal of this
2 state is modified by a tribunal of another state which assumed
3 jurisdiction pursuant to sections 454.1500 to 454.1730, a tribunal of this
4 state:

- 5 (1) may enforce its order that was modified only as to arrears
6 and interest accruing before the modification;
7 (2) may provide appropriate relief for violations of its order
8 which occurred before the effective date of the modification; and
9 (3) shall recognize the modifying order of the other state, upon
10 registration, for the purpose of enforcement.

454.1668. (a) If all of the parties who are individuals reside in
2 this state and the child does not reside in the issuing state, a tribunal
3 of this state has jurisdiction to enforce and to modify the issuing state's
4 child support order in a proceeding to register that order.

5 (b) A tribunal of this state exercising jurisdiction under this
6 section shall apply the provisions of Articles 1 and 2, sections 454.850
7 to 454.1545; this article, sections 454.1632 to 454.1677, and the
8 procedural and substantive law of this state to the proceedings for
9 enforcement or modification. Article 3, sections 454.1548 to 454.1602;
10 Article 4, sections 454.1605 to 454.1608; Article 5, sections 454.1611 to
11 454.1629, Article 7, sections 454.1680 to 454.1716; and Article 8, sections
12 454.1719 to 454.1722, do not apply.

454.1671. Within thirty days after issuance of a modified child
2 support order, the party obtaining the modification shall file a certified
3 copy of the order with the issuing tribunal which had continuing,
4 exclusive jurisdiction over the earlier order, and in each tribunal in
5 which the party knows that earlier order has been registered. A party
6 who obtains the order and fails to file a certified copy is subject to
7 appropriate sanctions by a tribunal in which the issue of failure to file
8 arises. The failure to file does not affect the validity or enforceability
9 of the modified order of the new tribunal having continuing, exclusive
10 jurisdiction.

11 Part 4

12 REGISTRATION AND MODIFICATION OF FOREIGN CHILD SUPPORT
13 ORDER

454.1674. (a) Except as otherwise provided in section 454.1708,
 2 if a foreign country lacks or refuses to exercise jurisdiction to modify
 3 its child support order pursuant to its laws, a tribunal of this state may
 4 assume jurisdiction to modify the child support order and bind all
 5 individuals subject to the personal jurisdiction of the tribunal whether
 6 the consent to modification of a child support order otherwise required
 7 of the individual pursuant to section 454.1662 has been given or
 8 whether the individual seeking modification is a resident of this state
 9 or of the foreign country.

10 (b) An order issued by a tribunal of this state modifying a
 11 foreign child support order pursuant to this section is the controlling
 12 order.

454.1677. A party or support enforcement agency seeking to
 2 modify, or to modify and enforce, a foreign child support order not
 3 under the Convention may register that order in this state under
 4 sections 454.1632 to 454.1653 if the order has not been registered. A
 5 petition for modification may be filed at the same time as a request for
 6 registration, or at another time. The petition must specify the grounds
 7 for modification.

8 ARTICLE 7

9 SUPPORT PROCEEDING UNDER CONVENTION

454.1680. In this Article, sections 454.1680 to 454.1716:

2 (1) "Application" means a request under the Convention by an
 3 obligee or obligor, or on behalf of a child, made through a central
 4 authority for assistance from another central authority.

5 (2) "Central authority" means the entity designated by the United
 6 States or a foreign country described in section 454.1503(5)(D) to
 7 perform the functions specified in the Convention.

8 (3) "Convention support order" means a support order of a
 9 tribunal of a foreign country described in section 454.1503(5)(D).

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

13 (5) "Foreign central authority" means the entity designated by a
 14 foreign country described in section 454.1503(5)(D) to perform the
 15 functions specified in the Convention.

16 (6) "Foreign support agreement":

17 **(A) means an agreement for support in a record that:**
18 **(i) is enforceable as a support order in the country of origin;**
19 **(ii) has been:**
20 **(I) formally drawn up or registered as an authentic instrument**
21 **by a foreign tribunal; or**
22 **(II) authenticated by, or concluded, registered, or filed with a**
23 **foreign tribunal; and**
24 **(iii) may be reviewed and modified by a foreign tribunal; and**
25 **(B) includes a maintenance arrangement or authentic instrument**
26 **under the Convention.**
27 **(7) "United States central authority" means the Secretary of the**
28 **United States Department of Health and Human Services.**

454.1683. This Article, sections 454.1680 to 454.1716, applies only
2 **to a support proceeding under the Convention. In such a proceeding,**
3 **if a provision of this Article is inconsistent with Articles 1 through 6,**
4 **sections 454.1500 to 454.1677, this article controls.**

454.1686. The family support division within the department of
2 **social services of this state is recognized as the agency designated by**
3 **the United States central authority to perform specific functions under**
4 **the Convention.**

454.1689. (a) In a support proceeding under this Article, the
2 **family support division within the department of social services of this**
3 **state shall:**

4 **(1) transmit and receive applications; and**
5 **(2) initiate or facilitate the institution of a proceeding regarding**
6 **an application in a tribunal of this state.**

7 **(b) The following support proceedings are available to an obligee**
8 **under the Convention:**

9 **(1) recognition or recognition and enforcement of a foreign**
10 **support order;**

11 **(2) enforcement of a support order issued or recognized in this**
12 **state;**

13 **(3) establishment of a support order if there is no existing order,**
14 **including, if necessary, determination of parentage of a child;**

15 **(4) establishment of a support order if recognition of a foreign**
16 **support order is refused under section 454.1701(b)(2), (4), or (9);**

17 **(5) modification of a support order of a tribunal of this state; and**

18 **(6) modification of a support order of a tribunal of another state**
19 **or a foreign country.**

20 **(c) The following support proceedings are available under the**
21 **Convention to an obligor against which there is an existing support**
22 **order:**

23 **(1) recognition of an order suspending or limiting enforcement**
24 **of an existing support order of a tribunal of this state;**

25 **(2) modification of a support order of a tribunal of this state; and**

26 **(3) modification of a support order of a tribunal of another state**
27 **or a foreign country.**

28 **(d) A tribunal of this state may not require security, bond, or**
29 **deposit, however described, to guarantee the payment of costs and**
30 **expenses in proceedings under the Convention.**

454.1692. (a) A petitioner may file a direct request seeking
2 **establishment or modification of a support order or determination of**
3 **parentage of a child. In the proceeding, the law of this state applies.**

4 **(b) A petitioner may file a direct request seeking recognition and**
5 **enforcement of a support order or support agreement. In the**
6 **proceeding, sections 454.1695 through 454.1716 apply.**

7 **(c) In a direct request for recognition and enforcement of a**
8 **Convention support order or foreign support agreement:**

9 **(1) a security, bond, or deposit is not required to guarantee the**
10 **payment of costs and expenses; and**

11 **(2) an obligee or obligor that in the issuing country has benefited**
12 **from free legal assistance is entitled to benefit, at least to the same**
13 **extent, from any free legal assistance provided for by the law of this**
14 **state under the same circumstances.**

15 **(d) A petitioner filing a direct request is not entitled to**
16 **assistance from the department of social services.**

17 **(e) This Article, sections 454.1680 to 454.1716, does not prevent**
18 **the application of laws of this state that provide simplified, more**
19 **expeditious rules regarding a direct request for recognition and**
20 **enforcement of a foreign support order or foreign support agreement.**

454.1695. (a) Except as otherwise provided in this Article,
2 **sections 454.1680 to 454.1716, a party who is an individual or a support**
3 **enforcement agency seeking recognition of a Convention support order**
4 **shall register the order in this state as provided in Article 6, sections**

5 454.1632 to 454.1677.

6 (b) Notwithstanding sections 454.1580 and 454.1635(a), a request
7 for registration of a Convention support order must be accompanied by:

8 (1) a complete text of the support order;

9 (2) a record stating that the support order is enforceable in the
10 issuing country;

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

17 (4) a record showing the amount of arrears, if any, and the date
18 the amount was calculated;

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

22 (6) if necessary, a record showing the extent to which the
23 applicant received free legal assistance in the issuing country.

24 (c) A request for registration of a Convention support order may
25 seek recognition and partial enforcement of the order.

26 (d) A tribunal of this state may vacate the registration of a
27 Convention support order without the filing of a contest under section
28 454.1698 only if, acting on its own motion, the tribunal finds that
29 recognition and enforcement of the order would be manifestly
30 incompatible with public policy.

31 (e) The tribunal shall promptly notify the parties of the
32 registration or the order vacating the registration of a Convention
33 support order.

454.1698. (a) Except as otherwise provided in this Article,
2 sections 454.1680 to 454.1716, sections 454.1644 to 454.1653 apply to a
3 contest of a registered Convention support order.

4 (b) A party contesting a registered Convention support order
5 shall file a contest not later than thirty days after notice of the
6 registration, but if the contesting party does not reside in the United
7 States, the contest must be filed not later than sixty days after notice
8 of the registration.

9 (c) If the nonregistering party fails to contest the registered
10 Convention support order by the time specified in subsection (b), the
11 order is enforceable.

12 (d) A contest of a registered Convention support order may be
13 based only on grounds set forth in section 454.1701. The contesting
14 party bears the burden of proof.

15 (e) In a contest of a registered Convention support order, a
16 tribunal of this state:

17 (1) is bound by the findings of fact on which the foreign tribunal
18 based its jurisdiction; and

19 (2) may not review the merits of the order.

20 (f) A tribunal of this state deciding a contest of a registered
21 Convention support order shall promptly notify the parties of its
22 decision.

23 (g) A challenge or appeal, if any, does not stay the enforcement
24 of a Convention support order unless there are exceptional
25 circumstances.

454.1701. (a) Except as otherwise provided in subsection (b), a
2 tribunal of this state shall recognize and enforce a registered
3 Convention support order.

4 (b) The following grounds are the only grounds on which a
5 tribunal of this state may refuse recognition and enforcement of a
6 registered Convention support order:

7 (1) recognition and enforcement of the order is manifestly
8 incompatible with public policy, including the failure of the issuing
9 tribunal to observe minimum standards of due process, which include
10 notice and an opportunity to be heard;

11 (2) the issuing tribunal lacked personal jurisdiction consistent
12 with section 454.1515;

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

14 (4) the order was obtained by fraud in connection with a matter
15 of procedure;

16 (5) a record transmitted in accordance with section 454.1693
17 lacks authenticity or integrity;

18 (6) a proceeding between the same parties and having the same
19 purpose is pending before a tribunal of this state and that proceeding
20 was the first to be filed;

21 (7) the order is incompatible with a more recent support order
22 involving the same parties and having the same purpose if the more
23 recent support order is entitled to recognition and enforcement under
24 sections 454.1500 to 454.1730 in this state;

25 (8) payment, to the extent alleged arrears have been paid in
26 whole or in part;

27 (9) in a case in which the respondent neither appeared nor was
28 represented in the proceeding in the issuing foreign country:

29 (A) if the law of that country provides for prior notice of
30 proceedings, the respondent did not have proper notice of the
31 proceedings and an opportunity to be heard; or

32 (B) if the law of that country does not provide for prior notice
33 of the proceedings, the respondent did not have proper notice of the
34 order and an opportunity to be heard in a challenge or appeal on fact
35 or law before a tribunal; or

36 (10) the order was made in violation of section 454.1710.

37 (c) If a tribunal of this state does not recognize a Convention
38 support order under subsection (b)(2), (4), or (9):

39 (1) the tribunal may not dismiss the proceeding without allowing
40 a reasonable time for a party to request the establishment of a new
41 Convention support order; and

42 (2) the family support division shall take all appropriate
43 measures to request a child support order for the obligee if the
44 application for recognition and enforcement was received under
45 section 454.1689.

454.1704. If a tribunal of this state does not recognize and
2 enforce a Convention support order in its entirety, it shall enforce any
3 severable part of the order. An application or direct request may seek
4 recognition and partial enforcement of a Convention support order.

454.1707. (a) Except as otherwise provided in subsections (c) and
2 (d), a tribunal of this state shall recognize and enforce a foreign
3 support agreement registered in this state.

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

6 (1) a complete text of the foreign support agreement; and

7 (2) a record stating that the foreign support agreement is
8 enforceable as an order of support in the issuing country.

9 (c) 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 (d) 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 (1) recognition and enforcement of the agreement is manifestly
17 incompatible with public policy;

18 (2) the agreement was obtained by fraud or falsification;

19 (3) the agreement is incompatible with a support order involving
20 the same parties and having the same purpose in this state, another
21 state, or a foreign country if the support order is entitled to
22 recognition and enforcement under sections 454.1500 to 454.1730; or

23 (4) the record submitted under subsection (b) lacks authenticity
24 or integrity.

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

454.1710. (a) A tribunal of this state may not modify a
2 Convention child support order if the obligee remains a resident of the
3 foreign country where the support order was issued unless:

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

7 (2) the foreign tribunal lacks or refuses to exercise jurisdiction
8 to modify its support order or issue a new support order.

9 (b) If a tribunal of this state does not modify a Convention child
10 support order because the order is not recognized in this state, section
11 454.1701(c) applies.

454.1713. Personal information gathered or transmitted under
2 sections 454.1500 to 454.1730 may be used only for the purposes for
3 which it was gathered or transmitted.

454.1716. A record filed with a tribunal of this state under this
2 Article, sections 454.1680 to 454.1716, must be in the original language
3 and, if not in English, must be accompanied by an English translation.

ARTICLE 8

4

INTERSTATE RENDITION

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454.1719. (a) For purposes of this Article, sections 454.1719 to 454.1722, "governor" includes an individual performing the functions of governor or the executive authority of a state covered under sections 454.1500 to 454.1730.

(b) The governor of this state may:

(1) demand that the governor of another state surrender an individual found in the other state who is charged criminally in this state with having failed to provide for the support of an obligee; or

(2) on the demand of the governor of another state, surrender an individual found in this state who is charged criminally in the other state with having failed to provide for the support of an obligee.

(c) A provision for extradition of individuals not inconsistent with sections 454.1500 to 454.1730 applies to the demand even if the individual whose surrender is demanded was not in the demanding state when the crime was allegedly committed and has not fled therefrom.

454.1722. (a) Before making a demand that the governor of another state surrender an individual charged criminally in this state with having failed to provide for the support of an obligee, the governor of this state may require a prosecutor of this state to demonstrate that at least sixty days previously the obligee had initiated proceedings for support pursuant to sections 454.1500 to 454.1730 or that the proceeding would be of no avail.

(b) If, under sections 454.1500 to 454.1730 or a law substantially similar to sections 454.1500 to 454.1730, the governor of another state makes a demand that the governor of this state surrender an individual charged criminally in that state with having failed to provide the support of a child or other individual to whom a duty of support is owed, the governor may require a prosecutor to investigate the demand and report whether a proceeding for support has been initiated or would be effective. If it appears that a proceeding would be effective but has not been initiated, the governor may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.

(c) If a proceeding for support has been initiated and the individual whose rendition is demanded prevails, the governor may

20 **decline to honor the demand. If the petitioner prevails and the**
21 **individual whose rendition is demanded is subject to a support order,**
22 **the governor may decline to honor the demand if the individual is**
23 **complying with the support order.**

24

ARTICLE 9

25

MISCELLANEOUS PROVISIONS

26 **454.1725. In applying and construing sections 454.1500 to**
27 **454.1730, consideration must be given to the need to promote**
28 **uniformity of the law with respect to its subject matter among states**
29 **that enact it.**

30 **454.1728. The provisions of sections 210.822 and 210.834 shall**
31 **apply to a proceeding under sections 454.1500 to 454.1730, but no other**
32 **provisions of sections 210.817 through 210.852 shall apply.**

33 **454.1730. Article 7, sections 454.1680 to 454.1716 shall become**
34 **effective upon ratification by the United States Congress of the**
35 **Convention signed by the United States at the Hague, Netherlands on**
36 **November 23, 2007.**

37 **[454.850. In sections 454.850 to 454.997:**

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

42 (2) "Child support order" means a support order for a child,
43 including a child who has attained the age of majority under the
44 law of the issuing state.

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

48 (4) "Home state" means the state in which a child lived with
49 a parent or a person acting as parent for at least six consecutive
50 months immediately preceding the time of filing of a petition or
51 comparable pleading for support and, if a child is less than six
52 months old, the state in which the child lived from birth with any
53 of them. A period of temporary absence of any of them is counted
54 as part of the six-month or other period.

55 (5) "Income" includes earnings or other periodic

20 entitlements to money from any source and any other property
21 subject to withholding for support under the law of this state.

22 (6) "Income-withholding order" means an order or other
23 legal process directed to an obligor's employer or other debtor, as
24 defined by section 452.350, RSMo, or 454.505, to withhold support
25 from the income of the obligor.

26 (7) "Initiating state" means a state from which a proceeding
27 is forwarded or in which a proceeding is filed for forwarding to a
28 responding state under the provisions of sections 454.850 to
29 454.997 or a law or procedure substantially similar to sections
30 454.850 to 454.997, or under a law or procedure substantially
31 similar to the uniform reciprocal enforcement of support act, or the
32 revised uniform reciprocal enforcement of support act.

33 (8) "Initiating tribunal" means the authorized tribunal in
34 an initiating state.

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

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

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

42 (12) "Obligee" means:

43 (i) an individual to whom a duty of support is or is alleged
44 to be owed or in whose favor a support order has been issued or a
45 judgment determining parentage has been rendered;

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

50 (iii) an individual seeking a judgment determining
51 parentage of the individual's child.

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

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

55 (ii) who is alleged but has not been adjudicated to be a

56 parent of a child; or

57 (iii) who is liable under a support order.

58 (14) "Register" means to record or file a support order or
59 judgment determining parentage in the tribunal having
60 jurisdiction in such action.

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

63 (16) "Responding state" means a state in which a
64 proceeding is filed or to which a proceeding is forwarded for filing
65 from an initiating state under the provisions of sections 454.850 to
66 454.997 or a law substantially similar to sections 454.850 to
67 454.997, or under a law or procedure substantially similar to the
68 uniform reciprocal enforcement of support act, or the revised
69 uniform reciprocal enforcement of support act.

70 (17) "Responding tribunal" means the authorized tribunal
71 in a responding state.

72 (18) "Spousal-support order" means a support order for a
73 spouse or former spouse of the obligor.

74 (19) "State" means a state of the United States, the District
75 of Columbia, the Commonwealth of Puerto Rico, or any territory or
76 insular possession subject to the jurisdiction of the United
77 States. The term "state" includes:

78 (i) an Indian tribe; and

79 (ii) a foreign jurisdiction that has enacted a law or
80 established procedures for issuance and enforcement of support
81 orders which are substantially similar to the procedures under
82 sections 454.850 to 454.997 or the procedures under the uniform
83 reciprocal enforcement of support act or the revised uniform
84 reciprocal enforcement of support act.

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

87 (i) enforcement of support orders or laws relating to the
88 duty of support;

89 (ii) establishment or modification of child support;

90 (iii) determination of parentage; or

91 (iv) to locate obligors or their assets.

92 (21) "Support order" means a judgment, decree, or order,
93 whether temporary, final, or subject to modification, for the benefit
94 of a child, a spouse, or a former spouse, which provides for
95 monetary support, health care, arrearages, or reimbursement, and
96 may include related costs and fees, interest, income withholding,
97 attorney's fees, and other relief.

98 (22) "Tribunal" means a court, administrative agency, or
99 quasi-judicial entity authorized to establish, enforce, or modify
100 support orders or to determine parentage.]

[454.853. The courts and the division of child support
2 enforcement are the tribunals of this state.]

[454.855. Remedies provided by sections 454.850 to 454.997
2 are cumulative and do not affect the availability of remedies under
3 other law.]

[454.857. In a proceeding to establish, enforce, or modify a
2 support order or to determine parentage, a tribunal of this state
3 may exercise personal jurisdiction over a nonresident individual or
4 the individual's guardian or conservator if:

5 (1) the individual is personally served with notice within
6 this state;

7 (2) the individual submits to the jurisdiction of this state
8 by consent, by entering a general appearance, or by filing a
9 responsive document having the effect of waiving any contest to
10 personal jurisdiction;

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

12 (4) the individual resided in this state and provided
13 prenatal expenses or support for the child;

14 (5) the child resides in this state as a result of the acts or
15 directives of the individual;

16 (6) the individual engaged in sexual intercourse in this
17 state and the child may have been conceived by that act of
18 intercourse;

19 (7) the individual asserted parentage in the putative father
20 registry maintained in this state by the department of health and
21 senior services; or

22 (8) there is any other basis consistent with the constitutions

23 of this state and the United States for the exercise of personal
24 jurisdiction.]

[454.860. A tribunal of this state exercising personal
2 jurisdiction over a nonresident under section 454.857 may apply
3 section 454.917 to receive evidence from another state, and section
4 454.922 to obtain discovery through a tribunal of another state. In
5 all other respects, sections 454.880 to 454.983 do not apply and the
6 tribunal shall apply the procedural and substantive law of this
7 state, including the rules on choice of law other than those
8 established by sections 454.850 to 454.997.]

[454.862. Under sections 454.850 to 454.997, a tribunal of
2 this state may serve as an initiating tribunal to forward
3 proceedings to another state and as a responding tribunal for
4 proceedings initiated in another state.]

[454.865. (a) A tribunal of this state may exercise
2 jurisdiction to establish a support order if the petition or
3 comparable pleading is filed after a petition or comparable pleading
4 is filed in another state only if:

5 (1) the petition or comparable pleading in this state is filed
6 before the expiration of the time allowed in the other state for
7 filing a responsive pleading challenging the exercise of jurisdiction
8 by the other state;

9 (2) the contesting party timely challenges the exercise of
10 jurisdiction in the other state; and

11 (3) if relevant, this state is the home state of the child.

12 (b) A tribunal of this state may not exercise jurisdiction to
13 establish a support order if the petition or comparable pleading is
14 filed before a petition or comparable pleading is filed in another
15 state if:

16 (1) the petition or comparable pleading in the other state is
17 filed before the expiration of the time allowed in this state for filing
18 a responsive pleading challenging the exercise of jurisdiction by
19 this state;

20 (2) the contesting party timely challenges the exercise of
21 jurisdiction in this state; and

22 (3) if relevant, the other state is the home state of the

23 child.]

[454.867. (a) A tribunal of this state issuing a support
2 order consistent with the law of this state has continuing, exclusive
3 jurisdiction over a child support order:

4 (1) as long as this state remains the residence of the
5 obligor, the individual obligee, or the child for whose benefit the
6 support order is issued; or

7 (2) until each individual party has filed written consent
8 with the tribunal of this state for a tribunal of another state to
9 modify the order and assume continuing, exclusive jurisdiction.

10 (b) A tribunal of this state issuing a child support order
11 consistent with the law of this state may not exercise its continuing
12 jurisdiction to modify the order if the order has been modified by
13 a tribunal of another state pursuant to sections 454.850 to 454.997
14 or a law substantially similar to sections 454.850 to 454.997.

15 (c) If a child support order of this state is modified by a
16 tribunal of another state pursuant to sections 454.850 to 454.997
17 or a law substantially similar to sections 454.850 to 454.997, a
18 tribunal of this state loses its continuing, exclusive jurisdiction
19 with regard to prospective enforcement of the order issued in this
20 state, and may only:

21 (1) enforce the order that was modified as to amounts
22 accruing before the modification;

23 (2) enforce nonmodifiable aspects of that order; and

24 (3) provide other appropriate relief for violations of that
25 order which occurred before the effective date of the modification.

26 (d) A tribunal of this state shall recognize the continuing,
27 exclusive jurisdiction of a tribunal of another state which has
28 issued a child support order pursuant to sections 454.850 to
29 454.997 or a law substantially similar to sections 454.850 to
30 454.997.

31 (e) A temporary support order issued ex parte or pending
32 resolution of a jurisdictional conflict does not create continuing,
33 exclusive jurisdiction in the issuing tribunal.

34 (f) A tribunal of this state issuing a support order
35 consistent with the law of this state has continuing, exclusive

36 jurisdiction over a spousal support order throughout the existence
37 of the support obligation. A tribunal of this state may not modify
38 a spousal support order issued by a tribunal of another state
39 having continuing, exclusive jurisdiction over that order under the
40 law of that state.]

2 [454.869. (a) A tribunal of this state may serve as an
3 initiating tribunal to request a tribunal of another state to enforce
4 or modify a support order issued in that state.

5 (b) A tribunal of this state having continuing, exclusive
6 jurisdiction over a support order may act as a responding tribunal
7 to enforce or modify the order. If a party subject to the continuing,
8 exclusive jurisdiction of the tribunal no longer resides in the
9 issuing state, in subsequent proceedings the tribunal may apply
10 section 454.917 to receive evidence from another state and section
11 454.922 to obtain discovery through a tribunal of another state.

12 (c) A tribunal of this state which lacks continuing, exclusive
13 jurisdiction over a spousal support order may not serve as a
14 responding tribunal to modify a spousal support order of another
state.]

2 [454.871. (a) If a proceeding is brought under sections
3 454.850 to 454.997, and only one tribunal has issued a child
4 support order, the order of that tribunal is controlling and must be
5 recognized.

6 (b) If a proceeding is brought under sections 454.850 to
7 454.997, and two or more child support orders have been issued by
8 tribunals of this state or another state with regard to the same
9 obligor and child, a tribunal of this state shall apply the following
10 rules in determining which order to recognize for purposes of
11 continuing, exclusive jurisdiction:

12 (1) If only one of the tribunals would have continuing,
13 exclusive jurisdiction under sections 454.850 to 454.997, the order
14 of that tribunal is controlling and must be recognized.

15 (2) If more than one of the tribunals would have continuing,
16 exclusive jurisdiction under sections 454.850 to 454.997, an order
17 issued by a tribunal in the current home state of the child must be
recognized, but if an order has not been issued in the current home

18 state of the child, the order most recently issued is controlling and
19 must be recognized.

20 (3) If none of the tribunals would have continuing exclusive
21 jurisdiction under sections 454.850 to 454.997, the tribunal of this
22 state having jurisdiction over the parties must issue a child
23 support order, which is controlling and must be recognized.

24 (c) If two or more child support orders have been issued for
25 the same obligor and child and if the obligor or the individual
26 obligee resides in this state, a party may request a tribunal of this
27 state to determine which order controls and must be recognized
28 under subsection (b) of this section. The request must be
29 accompanied by a certified copy of every support order in
30 effect. Every party whose rights may be affected by a
31 determination of the controlling order must be given notice of the
32 request for that determination.

33 (d) The tribunal that issued the order that must be
34 recognized as controlling under subsection (a), (b) or (c) of this
35 section is the tribunal that has continuing, exclusive jurisdiction
36 in accordance with section 454.867.

37 (e) A tribunal of this state which determines by order the
38 identity of the controlling child support order under subsection
39 (b)(1) or (b)(2) of this section or which issues a new controlling
40 child support order under subsection (b)(3) shall include in that
41 order the basis upon which the tribunal made its determination.

42 (f) Within thirty days after issuance of the order
43 determining the identity of the controlling order, the party
44 obtaining that order shall file a certified copy of it with each
45 tribunal that had issued or registered an earlier order of child
46 support. Failure of the party obtaining the order to file a certified
47 copy as required subjects that party to appropriate sanctions by a
48 tribunal in which the issue of failure to file arises, but that failure
49 has no effect on the validity or enforceability of the controlling
50 order.]

51 [454.874. In responding to multiple registrations or
52 petitions for enforcement of two or more child support orders in
53 effect at the same time with regard to the same obligor and

54 different individual obligees, at least one of which was issued by a
55 tribunal of another state, a tribunal of this state shall enforce those
56 orders in the same manner as if the multiple orders had been
57 issued by a tribunal of this state.]

[454.877. Amounts collected and credited for a particular
2 period pursuant to a support order issued by a tribunal of another
3 state must be credited against the amounts accruing or accrued for
4 the same period under a support order issued by the tribunal of
5 this state.]

[454.880. (a) Except as otherwise provided in sections
2 454.850 to 454.997, this article applies to all proceedings under
3 sections 454.850 to 454.997.

4 (b) Sections 454.850 to 454.997, provide for the following
5 proceedings:

6 (1) establishment of an order for spousal support or child
7 support pursuant to section 454.930;

8 (2) enforcement of a support order and income withholding
9 order of another state without registration pursuant to sections
10 454.932 to 454.946;

11 (3) registration of an order for spousal support or child
12 support of another state for enforcement pursuant to sections
13 454.948 to 454.981;

14 (4) modification of an order for child support or spousal
15 support issued by a tribunal of this state pursuant to sections
16 454.862 to 454.869;

17 (5) registration of an order for child support of another
18 state for modification pursuant to sections 454.948 to 454.981;

19 (6) determination of parentage pursuant to section 454.983;
20 and

21 (7) assertion of jurisdiction over nonresidents pursuant to
22 sections 454.857 to 454.860.

23 (c) An individual petitioner or a support enforcement
24 agency may commence a proceeding authorized under sections
25 454.850 to 454.997, by filing a petition in an initiating tribunal for
26 forwarding to a responding tribunal or by filing a petition or a
27 comparable pleading directly in a tribunal of another state which

28 has or can obtain personal jurisdiction over the respondent.]

2 [454.882. A minor parent, or a guardian or other legal
3 representative of a minor parent, may maintain a proceeding on
4 behalf of or for the benefit of the minor's child.]

2 [454.885. Except as otherwise provided by sections 454.850
3 to 454.997, a responding tribunal of this state:

3 (1) shall apply the procedural and substantive law,
4 including the rules on choice of law, generally applicable to similar
5 proceedings originating in this state and may exercise all powers
6 and provide all remedies available in those proceedings; and

7 (2) shall determine the duty of support and the amount
8 payable in accordance with the law and support guidelines of this
9 state.]

2 [454.887. (a) Upon the filing of a petition authorized by
3 sections 454.850 to 454.997, an initiating tribunal of this state
4 shall forward three copies of the petition and its accompanying
5 documents:

6 (1) to the responding tribunal or appropriate support
7 enforcement agency in the responding state; or

8 (2) if the identity of the responding tribunal is unknown, to
9 the state information agency of the responding state with a request
10 that they be forwarded to the appropriate tribunal and that receipt
11 be acknowledged.

12 (b) If a responding state has not enacted the uniform
13 interstate family support act or a law or procedure substantially
14 similar to the uniform interstate family support act, a tribunal of
15 this state may issue a certificate or other documents and make
16 findings required by the law of the responding state. If the
17 responding state is a foreign jurisdiction, the tribunal may specify
18 the amount of support sought and provide other documents
necessary to satisfy the requirements of the responding state.]

2 [454.890. (a) When a responding tribunal of this state
3 receives a petition or comparable pleading from an initiating
4 tribunal or directly pursuant to subsection (c) of section 454.880,
5 it shall cause the petition or pleading to be filed and notify the
petitioner where and when it was filed.

- 6 . (b) A responding tribunal of this state, to the extent
7 otherwise authorized by law, may do one or more of the following:
- 8 (1) issue or enforce a support order, modify a child support
9 order, or render a judgment to determine parentage;
 - 10 (2) order an obligor to comply with a support order,
11 specifying the amount and the manner of compliance;
 - 12 (3) order income withholding;
 - 13 (4) determine the amount of any arrearages, and specify a
14 method of payment;
 - 15 (5) enforce orders by civil or criminal contempt, or both;
 - 16 (6) set aside property for satisfaction of the support order;
 - 17 (7) place liens and order execution on the obligor's property;
 - 18 (8) order an obligor to keep the tribunal informed of the
19 obligor's current residential address, telephone number, employer,
20 address of employment, and telephone number at the place of
21 employment;
 - 22 (9) issue a bench warrant for an obligor who has failed after
23 proper notice to appear at a hearing ordered by the tribunal and
24 enter the bench warrant in any local and state computer systems
25 for criminal warrants;
 - 26 (10) order the obligor to seek appropriate employment by
27 specified methods;
 - 28 (11) award reasonable attorney's fees and other fees and
29 costs; and
 - 30 (12) grant any other available remedy.
- 31 (c) A responding tribunal of this state shall include a
32 support order issued under sections 454.850 to 454.997, or in the
33 documents accompanying the order, the calculations on which the
34 support order is based.
- 35 (d) A responding tribunal of this state may not condition
36 the payment of a support order issued under sections 454.850 to
37 454.997, upon compliance by a party with provisions for visitation.
- 38 (e) If a responding tribunal of this state issues an order
39 under sections 454.850 to 454.997, the tribunal shall send a copy
40 of the order to the petitioner and the respondent and to the
41 initiating tribunal, if any.]

2 [454.892. If a petition or comparable pleading is received by
3 an inappropriate tribunal of this state, it shall forward the
4 pleading and accompanying documents to an appropriate tribunal
5 in this state or another state and notify the petitioner by first class
6 mail where and when the pleading was sent.]

2 [454.895. (a) A support enforcement agency of this state,
3 upon request, shall provide services to a petitioner in a proceeding
4 under sections 454.850 to 454.997.

4 (b) A support enforcement agency that is providing services
5 to the petitioner as appropriate shall:

6 (1) take all steps necessary to enable an appropriate
7 tribunal in this state or another state to obtain jurisdiction over
8 the respondent;

9 (2) request an appropriate tribunal to set a date, time, and
10 place for a hearing;

11 (3) make a reasonable effort to obtain all relevant
12 information, including information as to income and property of the
13 parties;

14 (4) within two days, exclusive of Saturdays, Sundays, and
15 legal holidays, after receipt of a written notice from an initiating,
16 responding, or registering tribunal, send a copy of the notice to the
17 petitioner;

18 (5) within two days, exclusive of Saturdays, Sundays, and
19 legal holidays, after receipt of a written communication from the
20 respondent or the respondent's attorney, send a copy of the
21 communication to the petitioner; and

22 (6) notify the petitioner if jurisdiction over the respondent
23 cannot be obtained.

24 (c) Sections 454.850 to 454.997, do not create or negate a
25 relationship of attorney and client or other fiduciary relationship
26 between a support enforcement agency or the attorney for the
27 agency and the individual being assisted by the agency.]

2 [454.897. If the attorney general determines that the
3 support enforcement agency is neglecting or refusing to provide
4 services to an individual, the attorney general may order the
5 agency to perform its duties under sections 454.850 to 454.997 or

5 may provide those services directly to the individual.]

2 [454.900. An individual may employ private counsel to
3 represent the individual in proceedings authorized by sections
454.850 to 454.997.]

2 [454.902. (a) The division of child support enforcement is
the state information agency under sections 454.850 to 454.997.

3 (b) The state information agency shall:

4 (1) compile and maintain a current list, including
5 addresses, of the tribunals in this state which have jurisdiction
6 under sections 454.850 to 454.997, and any support enforcement
7 agencies in this state and transmit a copy to the state information
8 agency of every other state;

9 (2) maintain a register of tribunals and support
10 enforcement agencies received from other states;

11 (3) forward to the appropriate tribunal in the place in this
12 state in which the individual obligee or the obligor resides, or in
13 which the obligor's property is believed to be located, all documents
14 concerning a proceeding under sections 454.850 to 454.997,
15 received from an initiating tribunal or the state information agency
16 of the initiating state; and

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

2 [454.905. (a) A petitioner seeking to establish or modify a
3 support order or to determine parentage in a proceeding under
4 sections 454.850 to 454.997, must verify the petition. Unless
5 otherwise ordered under section 454.907, the petition or
6 accompanying documents must provide, so far as known, the name,
7 residential address, and Social Security numbers of the obligor and
the obligee, and the name, sex, residential address, Social Security

8 number, and date of birth of each child for whom support is
9 sought. The petition must be accompanied by a certified copy of
10 any support order in effect. The petition may include any other
11 information that may assist in locating or identifying the
12 respondent.

13 (b) The petition must specify the relief sought. The petition
14 and accompanying documents must conform substantially with the
15 requirements imposed by the forms mandated by federal law for
16 use in cases filed by a support enforcement agency.]

2 [454.907. Upon a finding, which may be made ex parte, that
3 the health, safety, or liberty of a party or child would be
4 unreasonably put at risk by the disclosure of identifying
5 information, or if an existing order so provides, a tribunal shall
6 order that the address of the child or party or other identifying
7 information not be disclosed in a pleading or other document filed
in a proceeding under sections 454.850 to 454.997.]

2 [454.910. (a) The petitioner may not be required to pay a
filing fee or other costs.

3 (b) If an obligee prevails, a responding tribunal may assess
4 against an obligor filing fees, reasonable attorney's fees, other
5 costs, and necessary travel and other reasonable expenses incurred
6 by the obligee and the obligee's witnesses. The tribunal may not
7 assess fees, costs, or expenses against the obligee or the support
8 enforcement agency of either the initiating or the responding state,
9 except as provided by other law. Attorney's fees may be taxed as
10 costs, and may be ordered paid directly to the attorney, who may
11 enforce the order in the attorney's own name. Payment of support
12 owed to the obligee has priority over fees, costs and expenses.

13 (c) The tribunal shall order the payment of costs and
14 reasonable attorney's fees if it determines that a hearing was
15 requested primarily for delay. In a proceeding under sections
16 454.948 to 454.981, a hearing is presumed to have been requested
17 primarily for delay if a registered support order is confirmed or
18 enforced without change.]

2 [454.912. (a) Participation by a petitioner in a proceeding
before a responding tribunal, whether in person, by private

3 attorney, or through services provided by the support enforcement
4 agency, does not confer personal jurisdiction over the petitioner in
5 another proceeding.

6 (b) A petitioner is not amenable to service of civil process
7 while physically present in this state to participate in a proceeding
8 under sections 454.850 to 454.997.

9 (c) The immunity granted by this section does not extend to
10 civil litigation based on acts unrelated to a proceeding under
11 sections 454.850 to 454.997, committed by a party while present in
12 this state to participate in the proceeding.]

[454.915. A party whose parentage of a child has been
2 previously determined by or pursuant to law may not plead
3 nonparentage as a defense to a proceeding under sections 454.850
4 to 454.997.]

[454.917. (a) The physical presence of the petitioner in a
2 responding tribunal of this state is not required for the
3 establishment, enforcement, or modification of a support order or
4 the rendition of a judgment determining parentage.

5 (b) A verified petition, affidavit, document substantially
6 complying with federally mandated forms, and a document
7 incorporated by reference in any of them, not excluded under the
8 hearsay rule if given in person, is admissible in evidence if given
9 under oath by a party or witness residing in another state.

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

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

20 (e) Documentary evidence transmitted from another state
21 to a tribunal of this state by telephone, telecopier, or other means
22 that do not provide an original writing may not be excluded from

23 evidence on an objection based on the means of transmission.

24 (f) In a proceeding under sections 454.850 to 454.997, a
25 tribunal of this state may permit a party or witness residing in
26 another state to be deposed or to testify by telephone, audiovisual
27 means, or other electronic means at a designated tribunal or other
28 location in that state. A tribunal of this state shall cooperate with
29 tribunals of other states in designating an appropriate location for
30 the deposition or testimony.

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

34 (h) A privilege against disclosure of communications
35 between spouses does not apply in a proceeding under sections
36 454.850 to 454.997.

37 (i) The defense of immunity based on the relationship of
38 husband and wife or parent and child does not apply in a
39 proceeding under sections 454.850 to 454.997.]

[454.920. A tribunal of this state may communicate with a
2 tribunal of another state in writing, or by telephone or other
3 means, to obtain information concerning the laws of that state, the
4 legal effect of a judgment, decree, or order of that tribunal, and the
5 status of a proceeding in the other state. A tribunal of this state
6 may furnish similar information by similar means to a tribunal of
7 another state.]

[454.922. A tribunal of this state may:

2 (1) request a tribunal of another state to assist in obtaining
3 discovery; and

4 (2) upon request, compel a person over whom it has
5 jurisdiction to respond to a discovery order issued by a tribunal of
6 another state.]

[454.927. A support enforcement agency or tribunal of this
2 state shall disburse promptly any amounts received pursuant to a
3 support order, as directed by the order. The agency or tribunal
4 shall furnish to a requesting party or tribunal of another state a
5 certified statement by the custodian of the record of the amounts
6 and dates of all payments received.]

1 [454.930. (a) If a support order entitled to recognition
2 under sections 454.850 to 454.997, has not been issued, a
3 responding tribunal of this state may issue a support order if:

4 (1) the individual seeking the order resides in another
5 state; or

6 (2) the support enforcement agency seeking the order is
7 located in another state.

8 (b) The tribunal may issue a temporary child support order
9 if:

10 (1) the respondent has signed a verified statement
11 acknowledging parentage;

12 (2) the respondent has been determined by or pursuant to
13 law to be the parent; or

14 (3) there is other clear and convincing evidence that the
15 respondent is the child's parent.

16 (c) Upon finding, after notice and opportunity to be heard,
17 that an obligor owes a duty of support, the tribunal shall issue a
18 support order directed to the obligor and may issue other orders
19 pursuant to section 454.890.]

[454.932. An income withholding order issued in another
2 state may be sent to the person or entity defined as the obligor's
3 employer under section 452.350, RSMo, or section 454.505 without
4 first filing a petition or comparable pleading or registering the
5 order with a tribunal of this state.]

[454.934. (a) Upon receipt of the order, the obligor's
2 employer shall immediately provide a copy of the order to the
3 obligor.

4 (b) The employer shall treat an income withholding order
5 issued in another state which appears regular on its face as if it
6 had been issued by a tribunal of this state.

7 (c) Except as provided in subsection (d) of this section and
8 section 454.936, the employer shall withhold and distribute the
9 funds as directed in the withholding order by complying with the
10 terms of the order, as applicable, that specify:

11 (1) the duration and the amount of periodic payments of
12 current child support, stated as a sum certain;

13 (2) the person or agency designated to receive payments
14 and the address to which the payments are to be forwarded;

15 (3) medical support, whether in the form of periodic cash
16 payment, stated as a sum certain, or ordering the obligor to provide
17 health insurance coverage for the child under a policy available
18 through the obligor's employment;

19 (4) the amount of periodic payments of fees and costs for a
20 support enforcement agency, the issuing tribunal, and the obligee's
21 attorney, stated as sums certain; and

22 (5) the amount of periodic payments of arrears and interest
23 on arrears, stated as sums certain.

24 (d) The employer shall comply with the law of the state of
25 the obligor's principal place of employment for withholding from
26 income with respect to:

27 (1) the employer's fee for processing an income withholding
28 order;

29 (2) the maximum amount permitted to be withheld from the
30 obligor's income;

31 (3) the time periods within which the employer must
32 implement the withholding order and forward the child support
33 payment.]

[454.936. If the obligor's employer receives multiple orders
2 to withhold support from the earnings of the same obligor, the
3 employer shall be deemed to have satisfied the terms of the
4 multiple orders if the employer complied with the law of the state
5 of the obligor's principal place of employment to establish the
6 priorities for withholding and allocating income withheld for
7 multiple child support orders.]

[454.938. An employer who complies with an income
2 withholding order issued in another state in accordance with
3 sections 454.932 to 454.946, is not subject to civil liability to any
4 individual or agency with regard to the employer's withholding
5 child support from the obligor's income.]

[454.941. An employer who willfully fails to comply with an
2 income withholding order issued by another state and received for
3 enforcement is subject to the same penalties that may be imposed

4 for noncompliance with an order issued by a tribunal of this state.]

1 [454.943. (a) An obligor may contest the validity or
2 enforcement of an income withholding order issued in another state
3 and received directly by an employer in this state in the same
4 manner as if the order had been issued by a tribunal of this
5 state. Section 454.956 applies to the contest.

6 (b) The obligor shall give notice of the contest to:

7 (1) a support enforcement agency providing services to the
8 obligee;

9 (2) each employer which has directly received an income
10 withholding order; and

11 (3) the person or agency designated to receive payments in
12 the income withholding order, or if no person or agency is
13 designated, to the obligee.]

[454.946. (a) A party seeking to enforce a support order or
2 an income withholding order, or both, issued by a tribunal of
3 another state may send the documents required for registering the
4 order to a support enforcement agency of this state.

5 (b) Upon receipt of the documents, the support enforcement
6 agency, without initially seeking to register the order, shall
7 consider and, if appropriate, use any administrative procedure
8 authorized by the law of this state to enforce a support order or an
9 income withholding order, or both. If the obligor does not contest
10 administrative enforcement, the order need not be registered. If
11 the obligor contests the validity or administrative enforcement of
12 the order, the support enforcement agency shall register the order
13 pursuant to sections 454.850 to 454.997.]

[454.948. A support order or an income withholding order
2 issued by a tribunal of another state may be registered in this state
3 for enforcement.]

[454.951. (a) A support order or income withholding order
2 of another state may be registered in this state by sending the
3 following documents and information to the appropriate tribunal in
4 this state:

5 (1) a letter of transmittal to the tribunal requesting
6 registration and enforcement;

7 (2) two copies, including one certified copy, of all orders to
8 be registered, including any modification of an order;

9 (3) a sworn statement by the party seeking registration or
10 a certified statement by the custodian of the records showing the
11 amount of any arrearage;

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

13 (i) the obligor's address and Social Security number;

14 (ii) the name and address of the obligor's employer and any
15 other source of income of the obligor; and

16 (iii) a description and the location of property of the obligor
17 in this state not exempt from execution; and

18 (5) the name and address of the obligee and, if applicable,
19 the agency or person to whom support payments are to be remitted.

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

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

[454.953. (a) A support order or income withholding order
2 issued in another state is registered when the order is filed in the
3 registering tribunal of this state.

4 (b) A registered order issued in another state is enforceable
5 in the same manner and is subject to the same procedures as an
6 order issued by a tribunal of this state.

7 (c) Except as otherwise provided in sections 454.948 to
8 454.981, a tribunal of this state shall recognize and enforce, but
9 may not modify, a registered order if the issuing tribunal had
10 jurisdiction.]

[454.956. (a) The law of the issuing state governs the
2 nature, extent, amount, and duration of current payments and
3 other obligations of support and the payment of arrearages under
4 the order.

5 (b) In a proceeding for arrearages, the statute of limitation

6 under the laws of this state or of the issuing state, whichever is
7 longer, applies.]

[454.958. (a) When a support order or income withholding
2 order issued in another state is registered, the registering tribunal
3 shall notify the nonregistering party. The notice must be
4 accompanied by a copy of the registered order and the documents
5 and relevant information accompanying the order.

6 (b) The notice must inform the nonregistering party:

7 (1) that a registered order is enforceable as of the date of
8 registration in the same manner as an order issued by a tribunal
9 of this state;

10 (2) that a hearing to contest the validity or enforcement of
11 the registered order must be requested within twenty days after
12 the date of mailing or personal service of the notice;

13 (3) that failure to contest the validity or enforcement of the
14 registered order in a timely manner will result in confirmation of
15 the order and enforcement of the order and the alleged arrearages
16 and precludes further contest of that order with respect to any
17 matter that could have been asserted; and

18 (4) of the amount of any alleged arrearages.

19 (c) Upon registration of an income withholding order for
20 enforcement, the registering tribunal shall notify the obligor's
21 employer pursuant to section 452.350, RSMo, or section 454.505.]

[454.961. (a) A nonregistering party seeking to contest the
2 validity or enforcement of a registered order in this state shall
3 request a hearing within twenty days after the date of mailing or
4 personal service of notice of the registration. The nonregistering
5 party may seek to vacate the registration, to assert any defense to
6 an allegation of noncompliance with the registered order, or to
7 contest the remedies being sought or the amount of any alleged
8 arrearages pursuant to section 454.963.

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

12 (c) If a nonregistering party requests a hearing to contest
13 the validity or enforcement of the registered order, the registering

14 tribunal shall schedule the matter for hearing and give notice to
15 the parties of the date, time, and place of the hearing.]

[454.963. (a) A party contesting the validity or enforcement
2 of a registered order or seeking to vacate the registration has the
3 burden of proving one or more of the following defenses:

4 (1) the issuing tribunal lacked personal jurisdiction over the
5 contesting party;

6 (2) the order was obtained by fraud;

7 (3) the order has been vacated, suspended, or modified by
8 a later order;

9 (4) the issuing tribunal has stayed the order pending
10 appeal;

11 (5) there is a defense under the law of this state to the
12 remedy sought;

13 (6) full or partial payment has been made; or

14 (7) the statute of limitation under section 454.956 precludes
15 enforcement of some or all of the arrearages.

16 (b) If a party presents evidence establishing a full or partial
17 defense under subsection (a), a tribunal may stay enforcement of
18 the registered order, continue the proceeding to permit production
19 of additional relevant evidence, and issue other appropriate
20 orders. An uncontested portion of the registered order may be
21 enforced by all remedies available under the law of this state.

22 (c) If the contesting party does not establish a defense
23 under subsection (a) to the validity or enforcement of the order, the
24 registering tribunal shall issue an order confirming the order.]

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

[454.968. A party or support enforcement agency seeking to
2 modify, or to modify and enforce, a child support order issued in
3 another state shall register that order in this state in the same
4 manner provided in sections 454.948 to 454.956 if the order has not
5 been registered. A petition for modification may be filed at the
6 same time as a request for registration, or later. The pleading

7 must specify the grounds for modification.]

2 [454.971. A tribunal of this state may enforce a child
3 support order of another state registered for purposes of
4 modification, in the same manner as if the order had been issued
5 by a tribunal of this state, but the registered order may be modified
only if the requirements of section 454.973 have been met.]

2 [454.973. (a) After a child support order issued in another
3 state has been registered in this state, unless the provisions of
4 section 454.978 apply, the responding tribunal of this state may
5 modify that order only if, after notice and hearing, it finds that:

6 (1) the following requirements are met:

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

9 (ii) a petitioner who is a nonresident of this state seeks
10 modification; and

11 (iii) the respondent is subject to the personal jurisdiction of
12 the tribunal of this state; or

13 (2) an individual party or the child is subject to the
14 personal jurisdiction of the tribunal and all of the individual
15 parties have filed a written consent in the issuing tribunal
16 providing that a tribunal of this state may modify the support
17 order and assume continuing, exclusive jurisdiction over the
18 order. However, if the issuing state is a foreign jurisdiction which
19 has not enacted the Uniform Interstate Family Support Act, as
20 amended, the written consent of the individual party residing in
21 this state is not required for the tribunal to assume jurisdiction to
22 modify the child support order.

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

28 (c) A tribunal of this state may not modify any aspect of a
29 child support order that may not be modified under the law of the
30 issuing state. If two or more tribunals have issued child support
orders for the same obligor and child, the order that is controlling

31 and must be recognized under the provisions of section 454.871
32 establishes the nonmodifiable aspects of the support order.

33 (d) On issuance of an order modifying a child support order
34 issued in another state, a tribunal of this state becomes the
35 tribunal of continuing, exclusive jurisdiction.]

[454.976. A tribunal of this state shall recognize a
2 modification of its earlier child support order by a tribunal of
3 another state which assumed jurisdiction pursuant to sections
4 454.850 to 454.997 or a law substantially similar to sections
5 454.850 to 454.997 and, upon request, except as otherwise provided
6 in sections 454.850 to 454.997 shall:

7 (1) enforce the order that was modified only as to amounts
8 accruing before the modification;

9 (2) enforce only nonmodifiable aspects of that order;

10 (3) provide other appropriate relief only for violations of
11 that order which occurred before the effective date of the
12 modification; and

13 (4) recognize the modifying order of the other state, upon
14 registration, for the purpose of enforcement.]

[454.978. (a) If all of the individual parties reside in this
2 state and the child does not reside in the issuing state, a tribunal
3 of this state has jurisdiction to enforce and to modify the issuing
4 state's child support order in a proceeding to register that order.

5 (b) A tribunal of this state exercising jurisdiction as
6 provided in this section shall apply the provisions of sections
7 454.850 to 454.877 and sections 454.948 to 454.981 to the
8 enforcement or modification proceeding. Sections 454.880 to
9 454.946 and sections 454.983 to 454.989 do not apply and the
10 tribunal shall apply the procedural and substantive law of this
11 state.]

[454.981. Within thirty days after issuance of a modified
2 child support order, the party obtaining the modification shall file
3 a certified copy of the order with the issuing tribunal which had
4 continuing, exclusive jurisdiction over the earlier order, and in each
5 tribunal in which the party knows that earlier order has been
6 registered. Failure of the party obtaining the order to file a

7 certified copy as required subjects that party to appropriate
8 sanctions by a tribunal in which the issue of failure to file arises,
9 but that failure has no effect on the validity or enforceability of the
10 modified order of the new tribunal of continuing, exclusive
11 jurisdiction.]

[454.983. (a) A tribunal of this state may serve as an
2 initiating or responding tribunal in a proceeding brought under
3 sections 454.850 to 454.997 or a law or procedure substantially
4 similar to sections 454.850 to 454.997, or a law or procedure
5 substantially similar to the uniform reciprocal enforcement of
6 support act, or the revised uniform reciprocal enforcement of
7 support act to determine that the petitioner is a parent of a
8 particular child or to determine that a respondent is a parent of
9 that child.

10 (b) In a proceeding to determine parentage, a responding
11 tribunal of this state shall apply the procedural and substantive
12 law of this state and the rules of this state on choice of law.]

[454.986. (a) For purposes of this article, "governor"
2 includes an individual performing the functions of governor or the
3 executive authority of a state covered by sections 454.850 to
4 454.997.

5 (b) The governor of this state may:

6 (1) demand that the governor of another state surrender an
7 individual found in the other state who is charged criminally in
8 this state with having failed to provide for the support of an
9 obligee; or

10 (2) on the demand by the governor of another state,
11 surrender an individual found in this state who is charged
12 criminally in the other state with having failed to provide for the
13 support of an obligee.

14 (c) A provision for extradition of individuals not
15 inconsistent with sections 454.850 to 454.997, applies to the
16 demand even if the individual whose surrender is demanded was
17 not in the demanding state when the crime was allegedly
18 committed and has not fled therefrom.]

[454.989. (a) Before making demand that the governor of

2 another state surrender an individual charged criminally in this
3 state with having failed to provide for the support of an obligee, the
4 governor of this state may require a prosecutor of this state to
5 demonstrate that at least sixty days previously the obligee had
6 initiated proceedings for support pursuant to sections 454.850 to
7 454.997 or that the proceeding would be of no avail.

8 (b) If, under sections 454.850 to 454.997 or a law
9 substantially similar to sections 454.850 to 454.997, the uniform
10 reciprocal enforcement of support act, or the revised uniform
11 reciprocal enforcement of support act, the governor of another state
12 makes a demand that the governor of this state surrender an
13 individual charged criminally in that state with having failed to
14 provide for the support of a child or other individual to whom a
15 duty of support is owed, the governor may require a prosecutor to
16 investigate the demand and report whether a proceeding for
17 support has been initiated or would be effective. If it appears that
18 a proceeding would be effective but has not been initiated, the
19 governor may delay honoring the demand for a reasonable time to
20 permit the initiation of a proceeding.

21 (c) If a proceeding for support has been initiated and the
22 individual whose rendition is demanded prevails, the governor may
23 decline to honor the demand. If the petitioner prevails and the
24 individual whose rendition is demanded is subject to a support
25 order, the governor may decline to honor the demand if the
26 individual is complying with the support order.]

2 [454.991. Sections 454.850 to 454.997 shall be applied and
3 construed to effectuate its general purpose to make uniform the law
4 with respect to the subject of sections 454.850 to 454.997 among
5 states enacting it.]

2 [454.993. Sections 454.850 to 454.997 may be cited as the
3 "Uniform Interstate Family Support Act".]

2 [454.995. If any provision of sections 454.850 to 454.997 or
3 its application to any person or circumstance is held invalid, the
4 invalidity does not affect other provisions or applications of
5 sections 454.850 to 454.997, which can be given effect without the
6 invalid provision or application, and to this end the provisions of

6 454.850 to 454.997 are severable.]

[454.999. The provisions of sections 210.822 and 210.834,
2 RSMo, shall apply to a proceeding under sections 454.850 to
3 454.997, but no other provisions of sections 210.817 through
4 210.852, RSMo, shall apply.]

Section B. Sections 454.1680 to 454.1716 shall become effective upon
2 ratification by the United States Congress of the Convention signed by the United
3 States at the Hague, Netherlands on November 23, 2007.

Unofficial ✓

Bill

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