



SPONSOR: Sen. Hall-Long & Sen. Henry & Reps. Barbieri & Dukes
Sen. Lopez, Cloutier; Reps. Keeley, Kowalko, Osienski

DELAWARE STATE SENATE
148th GENERAL ASSEMBLY

SENATE BILL NO. 85

AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATING TO THE UNIFORM INTERSTATE
FAMILY SUPPORT ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend Subchapter I, Chapter 6, Title 13 of the Delaware Code by making deletions as shown by strike
2 through and insertions as shown by underline as follows:

3 Subchapter I. General Provisions.

4 § 6-101. Short title.

5 This chapter may be cited as the "Uniform Interstate Family Support Act."

6 § 6-102. Definitions.

7 In this chapter:

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

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

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

15 (3) (4) "Duty of support" means an obligation imposed or imposable by law to provide support for a child,
16 spouse, or former spouse, including an unsatisfied obligation to provide support.

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

19 a. Which has been declared under the law of the United States to be a foreign reciprocating country;

20 b. Which has established a reciprocal arrangement for child support with this State as provided in

21 § 6-308 of this title or under existing law or procedure of this State;

22 c. Which has enacted a law or established procedures for the issuance and enforcement of support orders
23 which are substantially similar to the procedures under this chapter; or

24 d. In which the Convention is in force with respect to the United States.

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

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

29 (4) (8) "Home state" means the state or foreign country in which a child lived with a parent or a person acting
30 as parent for at least 6 consecutive months immediately preceding the time of filing of a petition or comparable
31 pleading for support and, if a child is less than 6 months old, the state or foreign country in which the child lived from
32 birth with any of them. A period of temporary absence of any of them is counted as part of the 6-month or other period.

33 (5) (9) "Income" includes earnings or other periodic entitlements to money from any source and any other
34 property subject to withholding for support under the law of this State.

35 (6) (10) "Income-withholding order" means an order or other legal process directed to an obligor's employer
36 or other debtor, as defined by the income-withholding law of this State, to withhold support from the income of the
37 obligor.

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

40 (8) (11) "Initiating tribunal" means the ~~authorized tribunal in an initiating state~~ tribunal of a state or foreign
41 country from which a petition or comparable pleading is forwarded or in which a petition or comparable pleading is
42 filed for forwarding to another state or foreign country.

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

45 (9) (13) "Issuing state" means the state in which a tribunal issues a support order or ~~renders a judgment~~
46 determining parentage of a child.

47 (40) (14) "Issuing tribunal" means the tribunal of a state or foreign country that issues a support order or
48 ~~renders a judgment determining parentage of a child.~~

49 (41) (15) "Law" includes decisional and statutory law and rules and regulations having the force of law.

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(12) (16) "Obligee" means:

- (a) a. An individual to whom a duty of support is or is alleged to be owed or in whose favor a support order has been issued or a judgment determining parentage of a child has been rendered issued;
- (b) b. A state foreign country, state, or political subdivision of a state to which the rights under a duty of support or support order have been assigned or which has independent claims based on financial assistance provided to an individual obligee in place of child support; or
- (c) c. An individual seeking a judgment determining parentage of the individual's child; ; or
- d. A person that is a creditor in a proceeding under subchapter VII of this chapter.

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

- (a) a. Who owes Owes or is alleged to owe a duty of support;
- (b) b. Who is Is alleged but has not been adjudicated to be a parent of a child; or
- (c) c. Who is Is liable under a support order; ; or
- d. Is a debtor in a proceeding under subchapter VII of this chapter.

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

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

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

(16) (21) "Register" means to file in a tribunal of this State a support order or judgment determining parentage of a child issued in another state or a foreign country in the Family Court.

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

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

80 (19) ~~(24)~~ "Responding tribunal" means the authorized tribunal in a responding state or foreign country.

81 (20) ~~(25)~~ "Spousal-support order" means a support order for a spouse or former spouse of the obligor.

82 (21) ~~(26)~~ "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States

83 Virgin Islands, or any territory or insular possession ~~subject to~~ under the jurisdiction of the United States. The term

84 includes: an Indian nation or tribe.

85 (a) ~~An Indian tribe; and~~

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

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

88 (ii) ~~Has established a reciprocal arrangement for child support with this State as provided in § 6-308~~

89 ~~of this title; or~~

90 (iii) ~~Has enacted a law or established procedures for the issuance and enforcement of support orders~~

91 ~~which are substantially similar to the procedures under this chapter.~~

92 (22) ~~(27)~~ "Support enforcement agency" means a public official, governmental entity, or private agency

93 authorized to seek:

94 (a) ~~Enforcement a. Seek enforcement~~ of support orders or laws relating to the duty of support;

95 (b) ~~Establishment b. Seek establishment~~ or modification of child support;

96 (c) ~~Determination c. Request determination~~ of parentage of a child;

97 (d) ~~Location of d. Attempt to locate~~ obligors or their assets; or

98 (e) ~~Determination e. Request determination~~ of the controlling child-support order.

99 (23) ~~(28)~~ "Support order" means a judgment, decree, order, decision, or directive, whether temporary, final,

100 or subject to modification, issued ~~by a tribunal in a state or foreign country~~ for the benefit of a child, a spouse, or a

101 former spouse, which provides for monetary support, health care, arrearages, retroactive support, or reimbursement;

102 ~~and for financial assistance provided to an individual obligee in place of child support.~~ The term may include related

103 costs and fees, interest, income withholding, automatic adjustment, reasonable attorney's fees, and other relief.

104 (24) ~~(29)~~ "Tribunal" means a court, administrative agency, or quasi-judicial entity authorized to establish,

105 enforce, or modify support orders or to determine parentage of a child.

106 § 6-103. ~~Tribunal of State~~ State tribunal and support enforcement agency.

107 (a) The Family Court of the State of Delaware is the tribunal of this State.

108 (b) The Division of Child Support Enforcement is the support enforcement agency of this State.

109 § 6-104. Remedies cumulative.

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

113 (b) This chapter does not:

114 (1) Provide the exclusive method of establishing or enforcing a support order under the law of this State; or

115 (2) Grant a tribunal of this State jurisdiction to render judgment or issue an order relating to child custody or
116 visitation in a proceeding under this chapter.

117 § 6-105. Application of chapter to resident of foreign country and foreign support proceeding.

118 (a) A tribunal of this state shall apply subchapters I through VI of this chapter and, as applicable, subchapter VII of
119 this chapter, to a support proceeding involving:

120 (1) A foreign support order;

121 (2) A foreign tribunal; or

122 (3) An obligee, obligor, or child residing in a foreign country.

123 (b) A tribunal of this State that is requested to recognize and enforce a support order on the basis of comity may
124 apply the procedural and substantive provision of subchapters I through VI of this chapter.

125 (c) Subchapter VII of this chapter applies only to a support proceeding under the Convention. In such a
126 proceeding, if a provision of subchapter VII of this chapter is inconsistent with subchapters I through VI of this chapter,
127 subchapter VII controls.

128 Section 2. Amend Subchapter II, Chapter 6, Title 13 of the Delaware Code by making deletions as shown by strike
129 through and insertions as shown by underline as follows:

130 Subchapter II. Jurisdiction.

131 § 6-201. Bases for jurisdiction over nonresident.

132 (a) In a proceeding to establish or enforce a support order or to determine parentage of a child, a tribunal of this
133 State may exercise personal jurisdiction over a nonresident individual or the individual's guardian or conservator if:

134 (1) The individual is personally served with notice within this State;

135 (2) The individual submits to the jurisdiction of this State by consent in a record, by entering a general
136 appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction;

137 (3) The individual resided with the child in this State;

138 (4) The individual resided in this State and provided prenatal expenses or support for the child;

- 139 (5) The child resides in this State as a result of the acts or directives of the individual;
- 140 (6) The individual engaged in sexual intercourse in this State and the child may have been conceived by that
141 act of intercourse;
- 142 (7) The individual asserted parentage of a child in the registry of paternity maintained in this State by the
143 Office of Vital Statistics; or
- 144 (8) There is any other basis consistent with the Constitutions of this State and the United States for the
145 exercise of personal jurisdiction.

146 (b) The bases of personal jurisdiction set forth in subsection (a) of this section or in any other law of this State
147 may not be used to acquire personal jurisdiction for a tribunal of ~~the state~~ this State to modify a child support order of
148 another state unless the requirements of § 6-611 ~~or § 6-615~~ of this title are met, or, in the case of a foreign support order,
149 unless the requirements of § 6-615 of this title are met.

150 § 6-202. Duration of personal jurisdiction.

151 Personal jurisdiction acquired by a tribunal of this State in a proceeding under this chapter or other law of this
152 State relating to a support order continues as long as a tribunal of this State has continuing, exclusive jurisdiction to modify
153 its order or continuing jurisdiction to enforce its order as provided by § 6-205, § 6-206, and § 6-211 of this title.

154 § 6-203. Initiating and responding tribunal of State.

155 Under this chapter, a tribunal of this State may serve as an initiating tribunal to forward proceedings to a tribunal
156 of another state, and as a responding tribunal for proceedings initiated in another state or a foreign country.

157 § 6-204. Simultaneous proceedings.

158 (a) A tribunal of this State may exercise jurisdiction to establish a support order if the petition or comparable
159 pleading is filed after a pleading is filed in another state or a foreign country only if:

160 (1) The petition or comparable pleading in this State is filed before the expiration of the time allowed in the
161 other state or the foreign country for filing a responsive pleading challenging the exercise of jurisdiction by the other
162 state or the foreign country;

163 (2) The contesting party timely challenges the exercise of jurisdiction in the other state or the foreign country;
164 and

165 (3) If relevant, this State is the home state of the child.

166 (b) A tribunal of this State may not exercise jurisdiction to establish a support order if the petition or comparable
167 pleading is filed before a petition or comparable pleading is filed in another state or a foreign country if:

168 (1) The petition or comparable pleading in the other state or foreign country is filed before the expiration of
169 the time allowed in this State for filing a responsive pleading challenging the exercise of jurisdiction by this State;

170 (2) The contesting party timely challenges the exercise of jurisdiction in this State; and

171 (3) If relevant, the other state or foreign country is the home state of the child.

172 § 6-205. Continuing, exclusive jurisdiction to modify child-support order.

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

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

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

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

182 (1) All of the parties who are individuals file consent in a record with the tribunal of this State that a tribunal
183 of another state that has jurisdiction over at least one of the parties who is an individual or that is located in the state of
184 residence of the child may modify the order and assume continuing, exclusive jurisdiction; or

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

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

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

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

193 § 6-206. Continuing jurisdiction to enforce child-support order.

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

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

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

200 (b) A tribunal of this State having continuing jurisdiction over a support order may act as a responding tribunal to
201 enforce the order.

202 § 6-207. Determination of controlling child-support order.

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

205 (b) If a proceeding is brought under this ~~chapter~~ chapter, and two or more child-support orders have been issued
206 by tribunals of this State, ~~or~~ another state, or a foreign country with regard to the same obligor and same child, a tribunal of
207 this State having personal jurisdiction over both the obligor and individual obligee shall apply the following rules and by
208 order shall determine which order controls and must be recognized:

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

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

212 (i) a. An order issued by a tribunal in the current home state of the child controls; ~~but~~ or

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

215 (3) If none of the tribunals would have continuing, exclusive jurisdiction under this chapter, the tribunal of
216 this State shall issue a child-support order which controls.

217 (c) If two or more child-support orders have been issued for the same obligor and same child, upon request of a
218 party who is an individual or that is a support enforcement agency, a tribunal of this State having personal jurisdiction over
219 both the obligor and the obligee who is an individual shall determine which order controls under subsection (b) of this
220 section. The request may be filed with a registration for enforcement or registration for modification pursuant to subchapter
221 VI of this chapter, or may be filed as a separate proceeding.

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

225 (e) The tribunal that issued the controlling order under subsection (a), (b), or (c) of this section has continuing
226 jurisdiction to the extent provided in § 6-205 or § 6-206 of this title.

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

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

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

232 (3) The total amount of consolidated arrears and accrued interest, if any, under all of the orders after all
233 payments made are credited as provided by § 6-209 of this title.

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

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

241 § 6-208. Child-support orders for 2 or more obligees.

242 In responding to registrations or petitions for enforcement of 2 or more child-support orders in effect at the same
243 time with regard to the same obligor and different individual obligees, at least one of which was issued by a tribunal of
244 another state or a foreign country, a tribunal of this State shall enforce those orders in the same manner as if the orders had
245 been issued by a tribunal of this State.

246 § 6-209. Credit for payments.

247 A tribunal of this State shall credit amounts collected for a particular period pursuant to any child-support order
248 against the amounts owed for the same period under any other child-support order for support of the same child issued by a
249 tribunal of this State, or another state, or a foreign country.

250 § 6-210. Application of this chapter to nonresident subject to personal jurisdiction.

251 A tribunal of this State exercising personal jurisdiction over a nonresident in a proceeding under this chapter,
252 under other law of this State relating to a support order, or recognizing a foreign support order ~~of a foreign country or~~
253 ~~political subdivision on the basis of comity~~ may receive evidence from another state outside this State pursuant to § 6-316
254 of this title, communicate with a tribunal ~~of another state~~ outside this State pursuant to § 6-317 of this title, and obtain
255 discovery through a tribunal ~~of another state~~ outside this State pursuant to § 6-318 of this title. In all other respects

256 subchapters ~~III-VII~~ III through VI of this chapter do not apply and the tribunal shall apply the procedural and substantive
257 law of this State.

258 § 6-211. Continuing, exclusive jurisdiction to modify spousal-support order.

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

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

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

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

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

267 Section 3. Amend Subchapter III, Chapter 6, Title 13 of the Delaware Code by making deletions as shown by
268 strike through and insertions as shown by underline as follows:

269 Subchapter III. Civil Provisions of General Application.

270 § 6-301. ~~Application of subchapter.~~ Proceedings under this chapter.

271 (a) Except as otherwise provided in this ~~chapter~~ chapter, the provisions of this subchapter apply to all proceedings
272 under this chapter.

273 (b) An individual petitioner or a support enforcement agency may initiate a proceeding authorized under this
274 chapter by filing a petition in an initiating tribunal for forwarding to a responding tribunal or by filing a petition or a
275 comparable pleading directly in a tribunal of another state or a foreign country which has or can obtain personal jurisdiction
276 over the respondent.

277 § 6-302. Proceeding by minor parent.

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

280 § 6-303. Application of law of State.

281 Except as otherwise provided in this chapter, a responding tribunal of this State shall:

282 (1) Apply the procedural and substantive law generally applicable to similar proceedings originating in this
283 State and may exercise all powers and provide all remedies available in those proceedings; and

284 (2) Determine the duty of support and the amount payable in accordance with the law and support guidelines
285 of this State.

286 § 6-304. Duties of initiating tribunal.

287 (a) Upon the filing of a petition authorized by this chapter, an initiating tribunal of this State shall forward the
288 petition and its accompanying documents:

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

290 (2) If the identity of the responding tribunal is unknown, to the state information agency of the responding
291 state with a request that they be forwarded to the appropriate tribunal and that receipt be acknowledged.

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

297 § 6-305. Duties and powers of responding tribunal.

298 (a) When a responding tribunal of this State receives a petition or comparable pleading from an initiating tribunal
299 or directly pursuant to § 6-301(b) of this title, it shall cause the petition or pleading to be filed and notify the petitioner
300 where and when it was filed.

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

303 (1) ~~Issue~~ Establish or enforce a support order, modify a child-support order, determine the controlling child-
304 support order, or determine parentage of a child;

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

306 (3) Order income withholding;

307 (4) Determine the amount of any arrearages, and specify a method of payment;

308 (5) Enforce orders by civil or criminal contempt, or both;

309 (6) Set aside property for satisfaction of the support order;

310 (7) Place liens and order execution on the obligor's property;

311 (8) Order an obligor to keep the tribunal informed of the obligor's current residential address, electronic mail
312 address, telephone number, employer, address of employment, and telephone number at the place of employment;

313 (9) Issue a capias for an obligor who has failed after proper notice to appear at a hearing ordered by the
314 tribunal and enter the capias in any local and State computer systems for criminal warrants;

315 (10) Order the obligor to seek appropriate employment by specified methods;

316 (11) Award reasonable attorney's fees and other fees and costs; and

317 (12) Grant any other available remedy.

318 (c) A responding tribunal of this State shall include in a support order issued under this chapter, or in the
319 documents accompanying the order, the calculations on which the support order is based.

320 (d) A responding tribunal of this State may not condition the payment of a support order issued under this chapter
321 upon compliance by a party with provisions for visitation.

322 (e) If a responding tribunal of this State issues an order under this chapter, the tribunal shall send a copy of the
323 order to the petitioner and the respondent and to the initiating tribunal, if any.

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

327 § 6-306. Inappropriate tribunal.

328 If a petition or comparable pleading is received by an inappropriate tribunal of this State, the tribunal shall forward
329 the pleading and accompanying documents to an appropriate tribunal ~~in~~ of this State or another state and notify the
330 petitioner where and when the pleading was sent.

331 § 6-307. Duties of support enforcement agency.

332 ~~(a) A support enforcement agency of this State, upon request, shall provide services to a petitioner in a proceeding~~
333 ~~under this chapter.~~

334 (a) In a proceeding under this chapter, a support enforcement agency of this State, upon request:

335 (1) Shall provide services to a petitioner residing in a state;

336 (2) Shall provide services to a petitioner requesting services through a central authority of a foreign country as
337 described in § 6-102(5)a. or d. of this title; and

338 (3) May provide services to a petitioner who is an individual not residing in a state.

339 (b) A support enforcement agency of this State that is providing services to the petitioner shall:

340 (1) Take all steps necessary to enable an appropriate tribunal ~~in this State or another state~~ of this State,
341 another state, or a foreign country to obtain jurisdiction over the respondent;

342 (2) Request an appropriate tribunal to set a date, time, and place for a hearing;

343 (3) Make a reasonable effort to obtain all relevant information, including information as to income and
344 property of the parties;

345 (4) Within ~~two~~(2) 5 days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written
346 notice in a record from an initiating, responding, or registering tribunal, send a copy of the notice to the petitioner;

347 (5) Within ~~two~~(2) 5 days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written
348 communication in a record from the respondent or the respondent's attorney, send a copy of the communication to the
349 petitioner; and

350 (6) Notify the petitioner if jurisdiction over the respondent cannot be obtained.

351 (c) A support enforcement agency of this State that requests registration of a child-support order in this State for
352 enforcement or for modification shall make reasonable efforts:

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

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

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

359 (e) A support enforcement agency of this State shall issue or request a tribunal of this State to issue a child-
360 support order and an income-withholding order that redirect payment of current support, arrears, and interest if requested to
361 do so by a support enforcement agency of another state pursuant to § 6-319 of this title ~~in the Uniform Interstate Family~~
362 ~~Support Act.~~

363 (f) This chapter does not create or negate a relationship of attorney and client or other fiduciary relationship
364 between a support enforcement agency or the attorney for the agency and the individual being assisted by the agency.

365 § 6-308. Duty of state official or agency.

366 (a) If the Attorney General determines that the support enforcement agency is neglecting or refusing to provide
367 services to an individual, the Attorney General may order the agency to perform its duties under this chapter or may provide
368 those services directly to the individual.

369 (b) The Attorney General may determine that a foreign country ~~or political subdivision~~ has established a
370 reciprocal arrangement for child support with this State and take appropriate action for notification of the determination.

371 § 6-309. Private counsel.

372 An individual may employ private counsel to represent the individual in proceedings authorized by this chapter.

373 § 6-310. Duties of state information agency.

374 (a) The Division of Child Support Enforcement is the state information agency under this chapter.

375 (b) The state information agency shall:

376 (1) Compile and maintain a current list, including addresses, of the tribunals in this State which have
377 jurisdiction under this chapter and any support enforcement agencies in this State and transmit a copy to the state
378 information agency of every other state;

379 (2) Maintain a register of names and addresses of tribunals and support enforcement agencies received from
380 other states;

381 (3) Forward to the appropriate tribunal in the county in this State in which the obligee who is an individual or
382 the obligor resides, or in which the obligor's property is believed to be located, all documents concerning a proceeding
383 under this chapter received from ~~an initiating tribunal or the state information agency of the initiating state~~ another
384 state or a foreign country; and

385 (4) Obtain information concerning the location of the obligor and the obligor's property within this State not
386 exempt from execution, by such means as postal verification and federal ~~and~~ or state locator services, examination of
387 telephone directories, requests for the obligor's address from employers, and examination of governmental records,
388 including, to the extent not prohibited by other law, those relating to real property, vital statistics, law-enforcement,
389 taxation, motor vehicles, driver's licenses, and social security.

390 § 6-311. Pleadings and accompanying documents.

391 (a) In a proceeding under this chapter, a petitioner seeking to establish a support order, to determine parentage of
392 a child, or to register and modify a support order of a tribunal of another state or a foreign country must file a petition.
393 Unless otherwise ordered under § 6-312 of this title, the petition or accompanying documents must provide, so far as
394 known, the name, residential address, and social security numbers of the obligor and the obligee or the parent and alleged
395 parent, and the name, sex, residential address, social security number, and date of birth of each child for whose benefit
396 support is sought or whose parentage is to be determined. Unless filed at the time of registration, the petition must be
397 accompanied by a copy of any support order known to have been issued by another tribunal. The petition may include any
398 other information that may assist in locating or identifying the respondent.

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

402 § 6-312. Nondisclosure of information in exceptional circumstances.

403 If a party alleges in an affidavit or a pleading under oath that the health, safety, or liberty of a party or child would
404 be jeopardized by disclosure of specific identifying information, that information must be sealed and may not be disclosed

405 to the other party or the public. After a hearing in which a tribunal takes into consideration the health, safety, or liberty of
406 the party or child, the tribunal may order disclosure of information that the tribunal determines to be in the interest of
407 justice.

408 § 6-313. Costs and fees.

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

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

416 (c) The tribunal shall order the payment of costs and reasonable attorney's fees if it determines that a hearing was
417 requested primarily for delay. In a proceeding under subchapter VI of this chapter, a hearing is presumed to have been
418 requested primarily for delay if a registered support order is confirmed or enforced without change.

419 § 6-314. Limited immunity of petitioner.

420 (a) Participation by a petitioner in a proceeding under this chapter before a responding tribunal, whether in person,
421 by private attorney, or through services provided by the support enforcement agency, does not confer personal jurisdiction
422 over the petitioner in another proceeding.

423 (b) A petitioner is not amenable to service of civil process while physically present in this State to participate in a
424 proceeding under this chapter.

425 (c) The immunity granted by this section does not extend to civil litigation based on acts unrelated to a proceeding
426 under this chapter committed by a party while physically present in this State to participate in the proceeding.

427 § 6-315. Nonparentage as defense.

428 A party whose parentage of a child has been previously determined by or pursuant to law may not plead
429 nonparentage as a defense to a proceeding under this chapter.

430 § 6-316. Special rules of evidence and procedure.

431 (a) The physical presence of a nonresident party who is an individual in a tribunal of this State is not required for
432 the establishment, enforcement, or modification of a support order or the rendition of a judgment determining parentage of
433 a child.

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

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

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

443 (e) Documentary evidence transmitted from ~~another state~~ outside this State, or the support enforcement agency of
444 this State, to a tribunal of this State by telephone, telecopier, or other electronic means that do not provide an original
445 record may not be excluded from evidence on an objection based on the means of transmission.

446 (f) In a proceeding under this chapter, a tribunal of this State shall permit a party or witness residing ~~in another~~
447 ~~state~~ outside this State to be deposed or to testify under penalty of perjury by telephone, audiovisual means, or other
448 electronic means at a designated tribunal or other location ~~in that state~~. A tribunal of this State shall cooperate with other
449 ~~tribunals of other states~~ in designating an appropriate location for the deposition or testimony.

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

452 (h) A privilege against disclosure of communications between spouses does not apply in a proceeding under this
453 chapter.

454 (i) The defense of immunity based on the relationship of husband and wife or parent and child does not apply in a
455 proceeding under this chapter.

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

458 § 6-317. Communications between tribunals.

459 A tribunal of this State may communicate with a tribunal ~~of another state or foreign country or political~~
460 ~~subdivision~~ outside this State in a ~~record,~~ record or by telephone, electronic mail, or other means, to obtain information
461 concerning the laws, the legal effect of a judgment, decree, or order of that tribunal, and the status of a proceeding ~~in the~~
462 ~~other state or foreign country or political subdivision~~. A tribunal of this State may furnish similar information by similar
463 means to a tribunal ~~of another state or foreign country or political subdivision~~ outside this State.

464 § 6-318. Assistance with discovery.

465 A tribunal of this State may:

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

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

469 § 6-319. Receipt and disbursement of payments.

470 (a) A support enforcement agency or tribunal of this State shall disburse promptly any amounts received pursuant
471 to a support order, as directed by the order. The agency or tribunal shall furnish to a requesting party or tribunal of another
472 state or a foreign country a certified statement by the custodian of the record of the amounts and dates of all payments
473 received.

474 (b) If neither the obligor, nor the obligee who is an individual, nor the child resides in this State, upon request
475 from the support enforcement agency of this State or another state, the Division of Child Support Enforcement or a tribunal
476 of this State shall:

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

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

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

484 Section 4. Amend Subchapter IV, Chapter 6, Title 13 of the Delaware Code by making deletions as shown by
485 strike through and insertions as shown by underline as follows:

486 Subchapter IV. Establishment of Support Order or Determination of Parentage.

487 § 6-401. ~~Petition to establish~~ Establishment of support order.

488 (a) If a support order entitled to recognition under this chapter has not been issued, a responding tribunal of this
489 State with personal jurisdiction over the parties may issue a support order if:

490 (1) The individual seeking the order resides ~~in another state~~ outside this State; or

491 (2) The support enforcement agency seeking the order is located ~~in another state~~ outside this State.

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

- 494 (1) A presumed father of the child;
495 (2) Petitioning to have his paternity adjudicated;
496 (3) Identified as the father of the child through genetic testing;
497 (4) An alleged father who has declined to submit to genetic testing;
498 (5) Shown by clear and convincing evidence to be the father of the child;
499 (6) An acknowledged father as provided by Chapter 8 of this title;
500 (7) The mother of the child; or
501 (8) An individual who has been ordered to pay child support in a previous proceeding and the order has not
502 been reversed or vacated.

503 (c) Upon finding, after notice and opportunity to be heard, that an obligor owes a duty of support, the tribunal
504 shall issue a support order directed to the obligor and may issue other orders pursuant to § 6-305 of this title.

505 § 6-402. Proceeding to Determine Parentage.

506 A tribunal of this State authorized to determine parentage of a child may serve as a responding tribunal in a
507 proceeding to determine parentage of a child brought under this chapter or a law or procedure substantially similar to this
508 chapter.

509 Section 5. Amend Subchapter V, Chapter 6, Title 13 of the Delaware Code by making deletions as shown by strike
510 through and insertions as shown by underline as follows:

511 Subchapter V. Enforcement of Support Order of Another State Without Registration.

512 § 6-501. Employer's receipt of income-withholding order of another state.

513 An income-withholding order issued in another state may be sent by or on behalf of the obligee, or by the support
514 enforcement agency, to the person defined as the obligor's employer under the income-withholding law of this State without
515 first filing a petition or comparable pleading or registering the order with a tribunal of this State.

516 § 6-502. Employer's compliance with income-withholding order of another state.

517 (a) Upon receipt of an income-withholding order, the obligor's employer shall immediately provide a copy of the
518 order to the obligor.

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

521 (c) Except as otherwise provided in subsection (d) of this section and § 6-503 of this title, the employer shall
522 withhold and distribute the funds as directed in the withholding order by complying with terms of the order which specify:

- 523 (1) The duration and amount of periodic payments of current child-support, stated as a sum certain;

- 524 (2) The person designated to receive payments and the address to which the payments are to be forwarded;
- 525 (3) Medical support, whether in the form of periodic cash payment, stated as a sum certain, or ordering the
- 526 obligor to provide health insurance coverage for the child under a policy available through the obligor's employment;
- 527 (4) The amount of periodic payments of fees and costs for a support enforcement agency, the issuing tribunal,
- 528 and the obligee's attorney, stated as sums certain; and
- 529 (5) The amount of periodic payments of arrearages and interest on arrearages, stated as sums certain.

530 (d) An employer shall comply with the law of the state of the obligor's principal place of employment for

531 withholding from income with respect to:

- 532 (1) The employer's fee for processing an income-withholding order;
- 533 (2) The maximum amount permitted to be withheld from the obligor's income; and
- 534 (3) The times within which the employer must implement the withholding order and forward the child-
- 535 support payment.

536 § 6-503. Employer's compliance with 2 or more income-withholding orders.

537 If an obligor's employer receives 2 or more income-withholding orders with respect to the earnings of the same

538 obligor, the employer satisfies the terms of the orders if the employer complies with the law of the state of the obligor's

539 principal place of employment to establish the priorities for withholding and allocating income withheld for two or more

540 child-support obligees.

541 § 6-504. Immunity from civil liability.

542 An employer ~~who~~ that complies with an income-withholding order issued in another state in accordance with this

543 subchapter is not subject to civil liability to an individual or agency with regard to the employer's withholding of child

544 support from the obligor's income.

545 § 6-505. Penalties for noncompliance.

546 An employer ~~who~~ that wilfully fails to comply with an income-withholding order issued ~~by~~ in another state and

547 received for enforcement is subject to the same penalties that may be imposed for noncompliance with an order issued by a

548 tribunal of this State.

549 § 6-506. Contest by obligor.

550 (a) An obligor may contest the validity or enforcement of an income-withholding order issued in another state and

551 received directly by an employer in this State by registering the order in a tribunal of this State and filing a contest to that

552 order as provided in subchapter VI of this chapter, or otherwise contesting the order in the same manner as if the order had

553 been issued by a tribunal of this State.

554 (b) The obligor shall give notice of the contest to:
555 (1) A support enforcement agency providing services to the obligee;
556 (2) Each employer that has directly received an income-withholding order relating to the obligor; and
557 (3) The person designated to receive payments in the income-withholding order, or if no person is designated,
558 to the obligee.

559 § 6-507. Administrative enforcement of orders.

560 (a) A party or support enforcement agency seeking to enforce a support order or an income-withholding order, or
561 both, issued ~~by a tribunal of~~ in another state or a foreign support order may send the documents required for registering the
562 order to a support enforcement agency of this State.

563 (b) Upon receipt of the documents, the support enforcement agency, without initially seeking to register the order,
564 shall consider and, if appropriate, use any administrative procedure authorized by the law of this State to enforce a support
565 order or an income-withholding order, or both. If the obligor does not contest administrative enforcement, the order need
566 not be registered. If the obligor contests the validity or administrative enforcement of the order, the support enforcement
567 agency shall register the order pursuant to this chapter.

568 Section 6. Amend Subchapter VI, Chapter 6, Title 13 of the Delaware Code by making deletions as shown by
569 strike through and insertions as shown by underline as follows:

570 Subchapter VI. Registration, Enforcement, and Modification of Support Order.

571 Part 1. Registration ~~and~~ for Enforcement of Support Order.

572 § 6-601. Registration of order for enforcement.

573 A support order or income-withholding order issued ~~by a tribunal of~~ in another state or a foreign support order
574 may be registered in this State for enforcement.

575 § 6-602. Procedure to register order for enforcement.

576 (a) ~~A~~ Except as otherwise provided in § 6-706 of this title, a support order or income-withholding order of another
577 state or a foreign support order may be registered in this State by sending, either physically or electronically, the following
578 records ~~and information~~ to the Family Court in this State:

- 579 (1) A letter of transmittal to the tribunal requesting registration and enforcement;
580 (2) A certified copy of the order to be registered, including any modification of the order;
581 (3) A sworn statement by the person requesting registration or a certified statement by the custodian of the
582 records showing the amount of any arrearage;
583 (4) The name of the obligor and, if known:

- 584 (i) a. The obligor's address and social security number;
- 585 (ii) b. The name and address of the obligor's employer and any other source of income of the obligor;
- 586 (iii) c. A description and the location of property of the obligor in this State not exempt from execution;

587 and

588 (5) Except as otherwise provided in § 6-312 of this title, the name and address of the obligee and, if

589 applicable, the person to whom support payments are to be remitted.

590 (b) On receipt of a request for registration, the registering tribunal shall cause the order to be filed as a ~~foreign~~

591 ~~judgment~~ an order of a tribunal of another state or a foreign support order, together with one copy of the documents and

592 information, regardless of their form.

593 (c) A petition or comparable pleading seeking a remedy that must be affirmatively sought under other law of this

594 State may be filed at the same time as the request for registration or later. The pleading must specify the grounds for the

595 remedy sought.

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

597 (1) Furnish to the tribunal a copy of every support order asserted to be in effect in addition to the documents

598 specified in this section;

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

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

601 (e) A request for a determination of which is the controlling order may be filed separately or with a request for

602 registration and enforcement or for registration and modification. The person requesting registration shall give notice of the

603 request to each party whose rights may be affected by the determination.

604 § 6-603. Effect of registration for enforcement.

605 (a) A support order or income-withholding order issued in another state or a foreign support order is registered

606 when the order is filed in the registering tribunal of this State.

607 (b) A registered support order issued in another state or a foreign country is enforceable in the same manner and is

608 subject to the same procedures as an order issued by a tribunal of this State.

609 (c) Except as otherwise provided in this ~~subchapter~~ chapter, a tribunal of this State shall recognize and enforce,

610 but may not modify, a registered support order if the issuing tribunal had jurisdiction.

611 § 6-604. Choice of law.

612 (a) Except as otherwise provided in subsection (d) of this section, the law of the issuing state or foreign country

613 governs:

614 (1) The nature, extent, amount, and duration of current payments under a registered support order;
615 (2) The computation and payment of arrearages and accrual of interest on the arrearages under the support
616 order; and

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

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

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

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

625 Part 2. Contest of Validity or Enforcement.

626 § 6-605. Notice of registration of order.

627 (a) When a support order or income-withholding order issued in another state or a foreign support order is
628 registered, the registering tribunal of this State shall notify the nonregistering party. The notice must be accompanied by a
629 copy of the registered order and the documents and relevant information accompanying the order.

630 (b) A notice must inform the nonregistering party:

631 (1) That a registered support order is enforceable as of the date of registration in the same manner as an order
632 issued by a tribunal of this State;

633 (2) That a hearing to contest the validity or enforcement of the registered order must be requested within 20
634 days after notice unless the registered order is under § 6-707 of this title;

635 (3) That failure to contest the validity or enforcement of the registered order in a timely manner will result in
636 confirmation of the order and enforcement of the order and the alleged arrearages; and

637 (4) Of the amount of any alleged arrearages.

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

639 (1) Identify the two or more orders and the order alleged by the registering ~~person~~ party to be the controlling
640 order and the consolidated arrears, if any;

641 (2) Notify the nonregistering party of the right to a determination of which is the controlling order;

642 (3) State that the procedures provided in subsection (b) of this section apply to the determination of which is
643 the controlling order; and

644 (4) State that failure to contest the validity or enforcement of the order alleged to be the controlling order in a
645 timely manner may result in confirmation that the order is the controlling order.

646 (d) Upon registration of an income-withholding order for enforcement, the support enforcement agency or the
647 registering tribunal shall notify the obligor's employer pursuant to the income-withholding law of this State.

648 § 6-606. Procedure to contest validity or enforcement of registered support order.

649 (a) A nonregistering party seeking to contest the validity or enforcement of a registered support order in this State
650 shall request a hearing ~~within 20 days after notice of the registration~~ the time required by § 6-605 of this title. The
651 nonregistering party may seek to vacate the registration, to assert any defense to an allegation of noncompliance with the
652 registered support order, or to contest the remedies being sought or the amount of any alleged arrearages pursuant to § 6-
653 607 of this title.

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

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

659 § 6-607. Contest of registration or enforcement.

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

662 (1) The issuing tribunal lacked personal jurisdiction over the contesting party;

663 (2) The order was obtained by fraud;

664 (3) The order has been vacated, suspended, or modified by a later order;

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

666 (5) There is a defense under the law of this State to the remedy sought;

667 (6) Full or partial payment has been made;

668 (7) The statute of limitation under § 6-604 of this title precludes enforcement of some or all of the alleged
669 arrearages; or

670 (8) The alleged controlling order is not the controlling order.

671 (b) If a party presents evidence establishing a full or partial defense under subsection (a) of this section, a tribunal
672 may stay enforcement of ~~the a~~ registered support order, continue the proceeding to permit production of additional relevant

673 evidence, and issue other appropriate orders. An uncontested portion of the registered support order may be enforced by all
674 remedies available under the law of this State.

675 (c) If the contesting party does not establish a defense under subsection (a) of this section to the validity or
676 enforcement of ~~the~~ a registered support order, the registering tribunal shall issue an order confirming the order.

677 § 6-608. Confirmed order.

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

680 Part 3. Registration and Modification of Child-Support Order of Another State.

681 § 6-609. Procedure to register child-support order of another state for modification.

682 A party or support enforcement agency seeking to modify, or to modify and enforce, a child-support order issued
683 in another state shall register that order in this State in the same manner provided in ~~part 1 of this subchapter~~ §§ 6-601
684 through 6-608 of this title if the order has not been registered. A petition for modification may be filed at the same time as a
685 request for registration, or later. The pleading must specify the grounds for modification.

686 § 6-610. Effect of registration for modification.

687 A tribunal of this State may enforce a child-support order of another state registered for purposes of modification,
688 in the same manner as if the order had been issued by a tribunal of this State, but the registered support order may be
689 modified only if the requirements of ~~§ 6-611, § 6-613, or § 6-615~~ § 6-611 or § 6-613 of this title have been met.

690 § 6-611. Modification of child-support order of another state.

691 (a) If § 6-613 of this title does not apply, ~~except as otherwise provided in § 6-615 of this title~~, upon petition a
692 tribunal of this State may modify a child-support order issued in another state which is registered in this State if, after notice
693 and hearing, the tribunal finds that:

694 (1) The following requirements are met:

695 (i) a. Neither the child, nor the obligee who is an individual, nor the obligor resides in the issuing state;

696 (ii) b. A petitioner who is a nonresident of this State seeks modification; and

697 (iii) c. The respondent is subject to the personal jurisdiction of the tribunal of this State; or

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

701 (b) Modification of a registered child-support order is subject to the same requirements, procedures, and defenses
702 that apply to the modification of an order issued by a tribunal of this State and the order may be enforced and satisfied in
703 the same manner.

704 (c) ~~Except as otherwise provided in § 6-615 of this title, a~~ A tribunal of this State may not modify any aspect of a
705 child-support order that may not be modified under the law of the issuing state, including the duration of the obligation of
706 support. If two or more tribunals have issued child-support orders for the same obligor and same child, the order that
707 controls and must be so recognized under § 6-207 of this title establishes the aspects of the support order which are
708 nonmodifiable.

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

712 (e) On the issuance of an order by a tribunal of this State modifying a child-support order issued in another state,
713 the tribunal of this State becomes the tribunal having continuing, exclusive jurisdiction.

714 (f) Notwithstanding subsections (a) through (e) of this section and § 6-201(b) of this title, a tribunal of this State
715 retains jurisdiction to modify an order issued by a tribunal of this State if:

716 (1) One party resides in another state; and

717 (2) The other party resides outside the United States.

718 § 6-612. Recognition of order modified in another state.

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

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

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

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

725 § 6-613. Jurisdiction to modify child-support order of another state when individual parties reside in this State.

726 (a) If all of the parties who are individuals reside in this State and the child does not reside in the issuing state, a
727 tribunal of this State has jurisdiction to enforce and to modify the issuing state's child-support order in a proceeding to
728 register that order.

729 (b) A tribunal of this State exercising jurisdiction under this Section shall apply the provisions of subchapters I
730 and II of this chapter, this subchapter, and the procedural and substantive law of this State to the proceeding for
731 enforcement or modification. Subchapters III, IV, V, VII and VIII of this chapter do not apply.

732 § 6-614. Notice to issuing tribunal of modification.

733 Within ~~thirty (30)~~ 30 days after issuance of a modified child-support order, the party obtaining the modification
734 shall file a certified copy of the order with the issuing tribunal that had continuing, exclusive jurisdiction over the earlier
735 order, and in each tribunal in which the party knows the earlier order has been registered. A party who obtains the order and
736 fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The
737 failure to file does not affect the validity or enforceability of the modified order of the new tribunal having continuing,
738 exclusive jurisdiction.

739 Part 4. Registration and Modification of Foreign Child-Support Order.

740 § 6-615. Jurisdiction to modify child-support order of foreign country ~~or political subdivision.~~

741 (a) ~~If~~ Except as otherwise provided in § 6-711 of this title, if a foreign country or political subdivision that is a
742 ~~state will not or may not modify its order~~ lacks or refuses to exercise jurisdiction to modify its child-support order pursuant
743 to its laws, a tribunal of this State may assume jurisdiction to modify the child-support order and bind all individuals
744 subject to the personal jurisdiction of the tribunal whether ~~or not~~ the consent to modification of a child-support order
745 otherwise required of the individual pursuant to § 6-611 of this title has been given or whether the individual seeking
746 modification is a resident of this State or of the foreign country ~~or political subdivision.~~

747 (b) An order issued by a tribunal of this State modifying a foreign child-support order pursuant to this section is
748 the controlling order.

749 § 6-616. Procedure to register child-support order of foreign country for modification.

750 A party or support enforcement agency seeking to modify, or to modify and enforce, a foreign child-support order
751 not under the Convention may register that order in this State under §§ 6-601 through 6-608 of this title if the order has not
752 been registered. A petition for modification may be filed at the same time as a request for registration, or at another time.
753 The petition must specify the grounds for modification.

754 Section 7. Amend Subchapter VII, Chapter 6, Title 13 of the Delaware Code by making deletions as shown by
755 strike through and insertions as shown by underline as follows:

756 Subchapter VII. ~~Determination of Parentage~~ Support Proceeding Under Convention.

757 ~~§ 6-701 Proceeding to determine parentage.~~

758 ~~(a) A court of this State authorized to determine parentage of a child may serve as a responding tribunal in a~~
759 ~~proceeding to determine parentage brought under this chapter or a law or procedure substantially similar to this chapter.~~

760 § 6-701. Definitions.

761 In this subchapter:

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

764 (2) "Central authority" means the entity designated by the United States or a foreign country described in § 6-
765 102(5)d. of this title to perform the functions specified in the Convention.

766 (3) "Convention support order" means a support order of a tribunal of a foreign country described in § 6-
767 102(5)d. of this title.

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

770 (5) "Foreign central authority" means the entity designated by a foreign country described in § 6-102(5)d. of
771 this title to perform the functions specified in the Convention.

772 (6) "Foreign support agreement":

773 a. Means an agreement for support in a record that:

774 1. Is enforceable as a support order in the country of origin;

775 2. Has been:

776 A. Formally drawn up or registered as an authentic instrument by a foreign tribunal; or

777 B. Authenticated by, or concluded, registered, or filed with a foreign tribunal; and

778 3. May be reviewed and modified by a foreign tribunal; and

779 b. Includes a maintenance arrangement or authentic instrument under the Convention.

780 (7) "United States central authority" means the Secretary of the United States Department of Health and
781 Human Services.

782 § 6-702. Applicability.

783 This subchapter applies only to a support proceeding under the Convention. In such a proceeding, if a provision of
784 this subchapter is inconsistent with subchapters I through VI, this subchapter controls.

785 § 6-703. Relationship of Division of Child Support Enforcement to United States central authority.

786 The Division of Child Support Enforcement of this State is recognized as the agency designated by the United
787 States central authority to perform specific functions under the Convention.

788 § 6-704. Initiation by Division of Child Support Enforcement of support proceeding under Convention.

789 (a) In a support proceeding under this subchapter, the Division of Child Support Enforcement of this State shall:

790 (1) Transmit and receive applications; and

791 (2) Initiate or facilitate the institution of a proceeding regarding an application in a tribunal of this State.

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

793 (1) Recognition or recognition and enforcement of a foreign support order;

794 (2) Enforcement of a support order issued or recognized in this State;

795 (3) Establishment of a support order if there is no existing order, including, if necessary, determination of
796 parentage of a child;

797 (4) Establishment of a support order if recognition of a foreign support order is refused under § 6-708(b)(2),
798 (4), or (9) of this title;

799 (5) Modification of a support order of a tribunal of this State; and

800 (6) Modification of a support order of a tribunal of another state or a foreign country.

801 (c) The following support proceedings are available under the Convention to an obligor against which there is an
802 existing support order:

803 (1) Recognition of an order suspending or limiting enforcement of an existing support order of a tribunal of
804 this State;

805 (2) Modification of a support order of a tribunal of this State; and

806 (3) Modification of a support order of a tribunal of another state or a foreign country.

807 (d) A tribunal of this State may not require security, bond, or deposit, however described, to guarantee the
808 payment of costs and expenses in proceedings under the Convention.

809 § 6-705. Direct request.

810 (a) A petitioner may file a direct request seeking establishment or modification of a support order or determination
811 of parentage of a child. In the proceeding, the law of this State applies.

812 (b) A petitioner may file a direct request seeking recognition and enforcement of a support order or support
813 agreement. In the proceeding, §§ 6-706 through 6-713 of this title apply.

814 (c) In a direct request for recognition and enforcement of a Convention support order or foreign support
815 agreement:

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

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

820 (d) A petitioner filing a direct request is not entitled to assistance from the Division of Child Support Enforcement.

821 (e) This subchapter does not prevent the application of laws of this State that provide simplified, more expeditious
822 rules regarding a direct request for recognition and enforcement of a foreign support order or foreign support agreement.

823 § 6-706. Registration of Convention support order.

824 (a) Except as otherwise provided in this subchapter, a party who is an individual or a support enforcement agency
825 seeking recognition of a Convention support order shall register the order in this State as provided in subchapter VI.

826 (b) Notwithstanding §§ 6-311 and 6-602(a) of this title, a request for registration of a Convention support order
827 must be accompanied by:

828 (1) A complete text of the support order;

829 (2) A record stating that the support order is enforceable in the issuing country;

830 (3) If the respondent did not appear and was not represented in the proceedings in the issuing country, a record
831 attesting, as appropriate, either that the respondent had proper notice of the proceedings and an opportunity to be heard
832 or that the respondent had proper notice of the support order and an opportunity to be heard in a challenge or appeal on
833 fact or law before a tribunal;

834 (4) A record showing the amount of arrears, if any, and the date the amount was calculated;

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

837 (6) If necessary, a record showing the extent to which the applicant received free legal assistance in the
838 issuing country.

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

841 (d) A tribunal of this State may vacate the registration of a Convention support order without the filing of a contest
842 under § 6-707 of this title only if, acting on its own motion, the tribunal finds that recognition and enforcement of the order
843 would be manifestly incompatible with public policy.

844 (e) The tribunal shall promptly notify the parties of the registration or the order vacating the registration of a
845 Convention support order.

846 § 6-707. Contest of registered Convention support order.

847 (a) Except as otherwise provided in this chapter, §§ 6-605 through 6-608 of this title apply to a contest of a
848 registered Convention support order.

849 (b) A party contesting a registered Convention support order shall file a contest not later than 30 days after notice
850 of the registration, but if the contesting party does not reside in the United States, the contest must be filed not later than 60
851 days after notice of the registration.

852 (c) If the nonregistering party fails to contest the registered Convention support order by the time specified in
853 subsection (b) of this section, the order is enforceable.

854 (d) A contest of a registered Convention support order may be based only on grounds set forth in § 6-708 of this
855 title. The contesting party bears the burden of proof.

856 (e) In a contest of a registered Convention support order, a tribunal of this State:

857 (1) Is bound by the findings of fact on which the foreign tribunal based its jurisdiction; and

858 (2) May not review the merits of the order.

859 (f) A tribunal of this State deciding a contest of a registered Convention support order shall promptly notify the
860 parties of its decision.

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

863 § 6-708. Recognition and enforcement of registered Convention support order.

864 (a) Except as otherwise provided in subsection (b) of this section, a tribunal of this State shall recognize and
865 enforce a registered Convention support order.

866 (b) The following grounds are the only grounds on which a tribunal of this State may refuse recognition and
867 enforcement of a registered Convention support order:

868 (1) Recognition and enforcement of the order is manifestly incompatible with public policy, including the
869 failure of the issuing tribunal to observe minimum standards of due process, which include notice and an opportunity to
870 be heard;

871 (2) The issuing tribunal lacked personal jurisdiction consistent with § 6-201 of this title;
872 (3) The order is not enforceable in the issuing country;
873 (4) The order was obtained by fraud in connection with a matter of procedure;
874 (5) A record transmitted in accordance with § 6-706 of this title lacks authenticity or integrity;
875 (6) A proceeding between the same parties and having the same purpose is pending before a tribunal of this
876 State and that proceeding was the first to be filed;
877 (7) The order is incompatible with a more recent support order involving the same parties and having the same
878 purpose if the more recent support order is entitled to recognition and enforcement under this chapter in this State;
879 (8) Payment, to the extent alleged arrears have been paid in whole or in part;
880 (9) In a case in which the respondent neither appeared nor was represented in the proceeding in the issuing
881 foreign country;
882 a. If the law of that country provides for prior notice of proceedings, the respondent did not have proper
883 notice of the proceedings and an opportunity to be heard; or
884 b. If the law of that country does not provide for prior notice of the proceedings, the respondent did not
885 have proper notice of the order and an opportunity to be heard in a challenge or appeal on fact or law before a
886 tribunal; or
887 (10) The order was made in violation of § 6-711 of this title.
888 (c) If a tribunal of this State does not recognize a Convention support order under paragraphs (b)(2), (4), or (9) of
889 this section:
890 (1) The tribunal may not dismiss the proceeding without allowing a reasonable time for a party to request the
891 establishment of a new Convention support order; and
892 (2) The Division of Child Support Enforcement shall take all appropriate measures to request a child-support
893 order for the obligee if the application for recognition and enforcement was received under § 6-704 of this title.
894 § 6-709. Partial enforcement.
895 If a tribunal of this State does not recognize and enforce a Convention support order in its entirety, it shall enforce
896 any severable part of the order. An application or direct request may seek recognition and partial enforcement of a
897 Convention support order.
898 § 6-710. Foreign support agreement.
899 (a) Except as otherwise provided in subsections (c) and (d) of this section, a tribunal of this State shall recognize
900 and enforce a foreign support agreement registered in this State.

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

903 (1) A complete text of the foreign support agreement; and

904 (2) A record stating that the foreign support agreement is enforceable as an order of support in the issuing
905 country.

906 (c) A tribunal of this State may vacate the registration of a foreign support agreement only if, acting on its own
907 motion, the tribunal finds that recognition and enforcement would be manifestly incompatible with public policy.

908 (d) In a contest of a foreign support agreement, a tribunal of this State may refuse recognition and enforcement of
909 the agreement if it finds:

910 (1) Recognition and enforcement of the agreement is manifestly incompatible with public policy;

911 (2) The agreement was obtained by fraud or falsification;

912 (3) The agreement is incompatible with a support order involving the same parties and having the same
913 purpose in this State, another state, or a foreign country if the support order is entitled to recognition and enforcement
914 under this chapter in this State; or

915 (4) The record submitted under subsection (b) of this section lacks authenticity or integrity.

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

918 § 6-711. Modification of Convention child-support order.

919 (a) A tribunal of this State may not modify a Convention child-support order if the obligee remains a resident of
920 the foreign country where the support order was issued unless:

921 (1) The obligee submits to the jurisdiction of a tribunal of this State, either expressly or by defending on the
922 merits of the case without objecting to the jurisdiction at the first available opportunity; or

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

925 (b) If a tribunal of this State does not modify a Convention child-support order because the order is not recognized
926 in this State, § 6-708(c) of this title applies.

927 § 6-712. Personal information; limit on use.

928 Personal information gathered or transmitted under this subchapter may be used only for the purposes for which it
929 was gathered or transmitted.

930 § 6-713. Record in original language; English translation.

931 A record filed with a tribunal of this State under this subchapter must be in the original language and, if not in
932 English, must be accompanied by an English translation.

933 Section 8. Amend Subchapter VIII, Chapter 6, Title 13 of the Delaware Code by making deletions as shown by
934 strike through and insertions as shown by underline as follows:

935 Subchapter VIII. Interstate Rendition.

936 § 6-801. Grounds for rendition.

937 (a) For purposes of this subchapter, "Governor" includes an individual performing the functions of governor or
938 the executive authority of a state covered by this chapter.

939 (b) The Governor of this State may:

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

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

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

947 § 6-802. Conditions of rendition.

948 (a) Before making a demand that the governor of another state surrender an individual charged criminally in this
949 State with having failed to provide for the support of an obligee, the Governor of this State may require a prosecutor of this
950 State to demonstrate that at least 60 days previously the obligee had initiated proceedings for support pursuant to this
951 chapter or that the proceeding would be of no avail.

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

958 (c) If a proceeding for support has been initiated and the individual whose rendition is demanded prevails, the
959 Governor may decline to honor the demand. If the petitioner prevails and the individual whose rendition is demanded is

960 subject to a support order, the Governor may decline to honor the demand if the individual is complying with the support
961 order.

962 Section 9. Amend Subchapter IX, Chapter 6, Title 13 of the Delaware Code by making deletions as shown by
963 strike through and insertions as shown by underline as follows:

964 Subchapter IX. Miscellaneous Provisions.

965 § 6-901. Uniformity of application and construction.

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

968 § 6-902. Severability clause.

969 If any provision of this chapter or its application to any person or circumstance is held invalid, the invalidity does
970 not affect other provisions or applications of this chapter which can be given effect without the invalid provision or
971 application, and to this end the provisions of this chapter are severable.

972 § 6-903. ~~Effective date.~~ Transitional provision.

973 ~~This chapter takes effect July 1, 2006, and only in the event the Office of Child Support Enforcement of the~~
974 ~~federal Department of Health and Human Services grants an exemption from the mandatory law and procedure contained in~~
975 ~~§ 466(f) of the Social Security Act [42 U.S.C. § 466(f)].~~ This chapter applies to proceedings begun on or after [the effective
976 date of this bill] to establish a support order or determine parentage of a child or to register, recognize, enforce, or modify a
977 prior support order, determination, or agreement, whenever issued or entered. Any determination of support or non-support
978 made under the law of this State prior to July 1, ~~2006~~ 2006, remains in force and effect.

979 Section 10. Amend Chapter 4, Title 13 of the Delaware Code by making deletions as shown by strike through and
980 insertions as shown by underline as follows:

981 § 401. Purpose and construction; definitions; remedies additional to existing remedies.

982 (b) As used in this chapter:

983 (2) "Jurisdiction" means any state, as that term is defined in ~~§ 6-102(21)~~ § 6-102 of this title, or political
984 subdivision, ~~territory~~ territory, or possession of the United States, the District of ~~Columbia~~ Columbia, and the
985 Commonwealth of Puerto Rico.

SYNOPSIS

Before 1950, a parent who wanted child support from another parent who lived in another state had to travel to that state to take legal action. In 1950, the Uniform Law Commission (ULC) drafted the Uniform Reciprocal Enforcement of Support Act (URESA) to allow participating states to enforce each other's support orders. URESA was amended in 1952 and 1958 and was amended and renamed the Revised Uniform Reciprocal Enforcement of Support Act (RURESAs) in 1968. Ultimately, all states adopted one or more versions of the ULC's uniform acts on this subject.

In 1992, the ULC promulgated a new act, the Uniform Interstate Family Support Act (UIFSA), which Delaware adopted in 1994. The ULC revised UIFSA in 1996 and 2001, with Delaware adopting the 2001 version in 2005.

In November 2007, the United States signed the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance (Convention). In 2008, the ULC revised its 2001 version of UIFSA to integrate the appropriate provisions of the Convention into UIFSA, to put the Convention into effect.

This Act adopts the 2008 version of UIFSA, to improve the enforcement of United States child support orders abroad and ensure children residing in the United States will receive the financial support due from parents wherever those parents may reside. This Act also complies with the 2014 Preventing Sex Trafficking and Strengthening Families Act, signed by the President of the United States in September 2014, which requires all states enact the 2008 version of UIFSA by the end of their 2015 legislative session as a condition for continued receipt of federal funds supporting state child support programs.

The U.S. Department of Health and Human Services, Administration for Children and Families, Office of Child Support Enforcement (OCSE) explained in an Information Memorandum dated October 9, 2014 that, “once UIFSA is in effect in your state, international cases will not be processed under Article 7 of UIFSA 2008 until the 2007 Family Maintenance Convention enters into force for the United States. Once this occurs, Article 7 of UIFSA 2008 will be in effect for all cases transmitted and received under the 2007 Family Maintenance Convention.” OCSE further noted, in an Information Memorandum dated April 13, 2015, that, “[o]nce all states have enacted UIFSA 2008, the President will sign the instrument of ratification, and deposit that instrument as required for the U.S. to become a party to the treaty.”

This Act also makes technical corrections to conform existing law to the guidelines of the *Delaware Legislative Drafting Manual*.

Author: Sen. Hall-Long