

**SENATE BILL NO. 2072**

Introduced by

Human Services Committee

(At the request of the Commission on Uniform State Laws)

1 A BILL for an Act to create and enact sections 14-12.2-03.1, 14-12.2-12.1, 14-12.2-12.2,  
2 14-12.2-32.1, 14-12.2-46.3, 14-12.2-46.4, 14-12.2-47.1, 14-12.2-47.2, 14-12.2-47.3,  
3 14-12.2-47.4, 14-12.2-47.5, 14-12.2-47.6, 14-12.2-47.7, 14-12.2-47.8, 14-12.2-47.9,  
4 14-12.2-47.10, 14-12.2-47.11, 14-12.2-47.12, and 14-12.2-47.13 of the North Dakota Century  
5 Code, relating to the Uniform Interstate Family Support Act; to amend and reenact sections  
6 14-12.2-01, 14-12.2-02, 14-12.2-03, 14-12.2-04, 14-12.2-05, 14-12.2-06, 14-12.2-07,  
7 14-12.2-08, 14-12.2-09, 14-12.2-10, 14-12.2-11, 14-12.2-12, 14-12.2-13, 14-12.2-14,  
8 14-12.2-15, 14-12.2-16, 14-12.2-17, 14-12.2-18, 14-12.2-19, 14-12.2-20, 14-12.2-22,  
9 14-12.2-23, 14-12.2-24, 14-12.2-25, 14-12.2-26, 14-12.2-28, 14-12.2-29, 14-12.2-30,  
10 14-12.2-31, 14-12.2-32, 14-12.2-33, 14-12.2-33.1, 14-12.2-33.2, 14-12.2-33.3, 14-12.2-33.4,  
11 14-12.2-33.5, 14-12.2-34, 14-12.2-35, 14-12.2-36, 14-12.2-37, 14-12.2-38, 14-12.2-39,  
12 14-12.2-40, 14-12.2-41, 14-12.2-43, 14-12.2-44, 14-12.2-45, 14-12.2-46, 14-12.2-46.1,  
13 14-12.2-48, and 14-12.2-49 of the North Dakota Century Code, relating to the Uniform  
14 Interstate Family Support Act; to repeal section 14-12.2-47 of the North Dakota Century Code,  
15 relating to proceedings to determine parentage; to provide for application; and to provide an  
16 effective date.

17 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

18 **SECTION 1. AMENDMENT.** Section 14-12.2-01 of the North Dakota Century Code is  
19 amended and reenacted as follows:

20 **14-12.2-01. (~~101~~ 102) Definitions.** As used in this chapter:

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

- 1           2. "Child support order" means a support order for a child, including a child who has  
2           attained the age of majority under the law of the issuing state or foreign country.
- 3           3. "Convention" means the convention on the international recovery of child support  
4           and other forms of family maintenance, concluded at The Hague on November 23,  
5           2007.
- 6           4. "Duty of support" means an obligation imposed or imposable by law to provide  
7           support for a child, spouse, or former spouse, including an unsatisfied obligation to  
8           provide support.
- 9           5. "Foreign country" means a country, including a political subdivision thereof, other  
10           than the United States, that under its law authorizes the issuance of support orders  
11           and:
- 12           a. Which has been declared under the law of the United States to be a foreign  
13           reciprocating country;
- 14           b. Which has established a reciprocal arrangement for child support with this  
15           state as provided in section 14-12.2-20;
- 16           c. Which has enacted a law or established procedures for the issuance and  
17           enforcement of support orders which are substantially similar to the  
18           procedures under this chapter; or
- 19           d. In which the convention is in force with respect to the United States.
- 20           6. "Foreign support order" means a support order of a foreign tribunal.
- 21           7. "Foreign tribunal" means a court, administrative agency, or quasi-judicial entity of a  
22           foreign country authorized to establish, enforce, or modify support orders or to  
23           determine parentage of a child. The term includes a competent authority in a  
24           proceeding subject to sections 14-12.2-47.1 through 14.12.2-47.13, which may be  
25           a judicial or administrative authority in a proceeding in a foreign country.
- 26           4- 8. "Home state" means the state or foreign country in which a child lived with a parent  
27           or a person acting as parent for at least six consecutive months immediately  
28           preceding the time of filing of a petition or comparable pleading for support and, if a  
29           child is less than six months old, the state or foreign country in which the child lived  
30           from birth with any of them. A period of temporary absence of any of them is  
31           counted as part of the six-month period or other period.



- 1           d. A person that is a creditor in a proceeding subject to sections 14-12.2-47.1  
2           through 14-12.2-47.13.
- 3   ~~13.~~ 17. "Obligor" means an individual, or the estate of a decedent:  
4           a. Who owes or is alleged to owe a duty of support;  
5           b. Who is alleged but has not been adjudicated to be a parent of a child; ~~or~~  
6           c. Who is liable under a support order; or  
7           d. Who is a debtor in a proceeding subject to sections 14-12.2-47.1 through  
8           14-12.2-47.13.
- 9   18. "Outside this state" means a location in another state or a country other than the  
10 United States, whether or not the country is defined as a foreign country.
- 11 19. "Person" means an individual, corporation, business trust, estate, trust,  
12 partnership, limited liability company, association, joint venture, public corporation,  
13 government or governmental subdivision, agency, or instrumentality, or any other  
14 legal or commercial entity.
- 15 20. "Record" means information that is inscribed on a tangible medium or that is stored  
16 in an electronic or other medium and is retrievable in perceivable form.
- 17 ~~44.~~ 21. "Register" means to file in a tribunal of this state a support order or judgment  
18 determining parentage in the registry of foreign support orders issued in another  
19 state or foreign country.
- 20 ~~45.~~ 22. "Registering tribunal" means a tribunal in which a support order or judgment  
21 determining parentage is registered.
- 22 ~~46.~~ 23. "Responding state" means a state in which a proceeding is filed or to which a  
23 proceeding is forwarded for filing from an initiating another state ~~under this chapter~~  
24 ~~or a law or procedure substantially similar to this chapter, the Uniform Reciprocal~~  
25 ~~Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of~~  
26 ~~Support Act~~ or foreign country.
- 27 ~~47.~~ 24. "Responding tribunal" means the authorized tribunal in a responding state or  
28 foreign country.
- 29 ~~48.~~ 25. "Spousal support order" means a support order for a spouse or former spouse of  
30 the obligor.

- 1    ~~19.~~ 26. "State" means a state of the United States, the District of Columbia, Puerto Rico,  
2                    the United States Virgin Islands, or any territory or insular possession subject to  
3                    the jurisdiction of the United States. The term includes:
- 4                    a. ~~An an~~ an Indian nation or tribe; and  
5                    b. ~~A foreign jurisdiction that has enacted a law or established procedures for~~  
6                    ~~issuance and enforcement of support orders which are substantially similar to~~  
7                    ~~the procedures under this chapter, the Uniform Reciprocal Enforcement of~~  
8                    ~~Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act.~~
- 9    ~~20.~~ 27. "Support enforcement agency" means a public official or agency authorized to  
10                   seek:
- 11                   a. ~~Enforcement~~ Seek enforcement of support orders or laws relating to the duty  
12                   of support;  
13                   b. ~~Establishment~~ Seek establishment or modification of child support;  
14                   c. ~~Determination~~ Request determination of parentage of a child; ~~or~~  
15                   d. ~~To~~ Attempt to locate obligors or their assets; or  
16                   e. Request determination of the controlling child support order.
- 17    ~~21.~~ 28. "Support order" means a judgment, decree, ~~or~~ order, decision, or directive,  
18                   whether temporary, final, or subject to modification, issued in a state or foreign  
19                   country for the benefit of a child, a spouse, or a former spouse, which provides for  
20                   monetary support, health care, arrearages, retroactive support, or reimbursement;  
21                   ~~and~~ for financial assistance provided to an individual obligee in place of child  
22                   support. The support order may include related costs and fees, interest, income  
23                   withholding, automatic adjustment, attorney's fees, and other relief.
- 24    ~~22.~~ 29. "Tribunal" means a court, administrative agency, or quasi-judicial entity authorized  
25                   to establish, enforce, or modify support orders or to determine parentage.
- 26                   30. "United States" means all states.

27                   **SECTION 2. AMENDMENT.** Section 14-12.2-02 of the North Dakota Century Code is  
28 amended and reenacted as follows:

29                   **14-12.2-02. (~~102 103~~) Tribunal of this state State tribunal and support**  
30 **enforcement agency.**

- 31                   1. The district court is the tribunal of this state.

1           2.   The department of human services is the support enforcement agency of this state.

2           **SECTION 3. AMENDMENT.** Section 14-12.2-03 of the North Dakota Century Code is  
3 amended and reenacted as follows:

4           **14-12.2-03. (~~103~~ 104) Remedies cumulative.**

5           1.   Remedies provided by this chapter are cumulative and do not affect the availability  
6 of remedies under other law or the recognition of a support order on the basis of  
7 comity.

8           2.   This chapter does not:

9           a.   Provide the exclusive method of establishing or enforcing a support order  
10 under the law of this state; or

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

13           **SECTION 4.** Section 14-12.2-03.1 of the North Dakota Century Code is created and  
14 enacted as follows:

15           **14-12.2-03.1. (105) Application of chapter to resident of foreign country and**  
16 **foreign support proceeding.**

17           1.   A tribunal of this state shall apply sections 14-12.2-01 through 14-12.2-46.4 and,  
18 as applicable, sections 14-12.2-47.1 through 14-12.2-47.13, to a support  
19 proceeding involving:

20           a.   A foreign support order;

21           b.   A foreign tribunal; or

22           c.   An obligee, obligor, or child residing in a foreign country.

23           2.   A tribunal of this state that is requested to recognize and enforce a support order  
24 on the basis of comity may apply the procedural and substantive provisions of  
25 sections 14-12.2-01 through 14-12.2-46.4.

26           3.   Sections 14-12.2-47.1 through 14-12.2-47.13 apply only to a support proceeding  
27 subject to the convention. In such a proceeding, if a provision of sections  
28 14-12.2-47.1 through 14-12.2-47.13 is inconsistent with a provision of sections  
29 14-12.2-01 through 14-12.2-46.4, sections 14-12.2-47.1 through 14-12.2-47.13  
30 control.

1           **SECTION 5. AMENDMENT.** Section 14-12.2-04 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3           **14-12.2-04. (201) Bases for jurisdiction over nonresident.**

4           1. In a proceeding to establish, or enforce,~~or modify~~ a support order or to determine  
5 parentage of a child, a tribunal of this state may exercise personal jurisdiction over  
6 a nonresident individual or the individual's guardian or conservator if:

- 7           ~~1.~~ a. The individual is personally served with a summons within this state;  
8           ~~2.~~ b. The individual submits to the jurisdiction of this state by consent in a record,  
9 by entering a general appearance, or by filing a responsive document having  
10 the effect of waiving any contest to personal jurisdiction;  
11           ~~3.~~ c. The individual resided with the child in this state;  
12           ~~4.~~ d. The individual resided in this state and provided prenatal expenses or support  
13 for the child;  
14           ~~5.~~ e. The child resides in this state as a result of the acts or directives of the  
15 individual;  
16           ~~6.~~ f. The individual engaged in sexual intercourse in this state and the child may  
17 have been conceived by that act of intercourse; or  
18           ~~7.~~ g. There is any other basis consistent with the constitutions of this state and the  
19 United States for the exercise of personal jurisdiction.

20           2. The bases of personal jurisdiction set forth in subsection 1 or any other law of this  
21 state may not be used to acquire personal jurisdiction for a tribunal of this state to  
22 modify a child support order of another state unless the requirements of section  
23 14-12.2-45 are met, or, in the case of a foreign support order, unless the  
24 requirements of section 14-12.2-46.3 are met.

25           **SECTION 6. AMENDMENT.** Section 14-12.2-05 of the North Dakota Century Code is  
26 amended and reenacted as follows:

27           **14-12.2-05. (202) ~~Procedure when exercising jurisdiction over nonresident~~**

28 **Duration of personal jurisdiction.** ~~A tribunal of this state exercising personal jurisdiction over~~  
29 ~~a nonresident under section 14-12.2-04 may apply section 14-12.2-28 to receive evidence from~~  
30 ~~another state and section 14-12.2-30 to obtain discovery through a tribunal of another state. In~~  
31 ~~all other respects, sections 14-12.2-13 through 14-12.2-47 do not apply and the tribunal shall~~

1 ~~apply the procedural and substantive law of this state, including the rules on choice of law other~~  
2 ~~than those established by this chapter. Personal jurisdiction acquired by a tribunal of this state~~  
3 ~~in a proceeding under this chapter or other law of this state relating to a support order continues~~  
4 ~~as long as a tribunal of this state has continuing, exclusive jurisdiction to modify its order or~~  
5 ~~continuing jurisdiction to enforce its order as provided by sections 14-12.2-08, 14-12.2-09, and~~  
6 ~~14-12.2-12.2.~~

7 **SECTION 7. AMENDMENT.** Section 14-12.2-06 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9 **14-12.2-06. (203) Initiating and responding tribunal of this state.** Under this  
10 chapter, a tribunal of this state may serve as an initiating tribunal to forward proceedings to a  
11 tribunal of another state and as a responding tribunal for proceedings initiated in another state  
12 or foreign country.

13 **SECTION 8. AMENDMENT.** Section 14-12.2-07 of the North Dakota Century Code is  
14 amended and reenacted as follows:

15 **14-12.2-07. (204) Simultaneous proceedings in another state.**

- 16 1. A tribunal of this state may exercise jurisdiction to establish a support order if the  
17 petition or comparable pleading is filed after a petition or comparable pleading is  
18 filed in another state or foreign country only if:
- 19 a. The petition or comparable pleading in this state is filed before the expiration  
20 of the time allowed in the other state or foreign country for filing a responsive  
21 pleading challenging the exercise of jurisdiction by the other state or foreign  
22 country;
  - 23 b. The contesting party timely challenges the exercise of jurisdiction in the other  
24 state or foreign country; and
  - 25 c. If relevant, this state is the home state of the child.
- 26 2. A tribunal of this state may not exercise jurisdiction to establish a support order if  
27 the petition or comparable pleading is filed before a petition or comparable  
28 pleading is filed in another state or foreign country if:
- 29 a. The petition or comparable pleading in the other state or foreign country is  
30 filed before the expiration of the time allowed in this state for filing a  
31 responsive pleading challenging the exercise of jurisdiction by this state;



- 1           3. ~~If a child support order of this state is modified by a tribunal of another state~~  
2           ~~pursuant to the Uniform Interstate Family Support Act or a law substantially similar~~  
3           ~~to this chapter, a tribunal of this state loses its continuing, exclusive jurisdiction with~~  
4           ~~regard to prospective enforcement of the order issued in this state, and may only:~~
- 5           a. ~~Enforce the order that was modified as to amounts accruing before the~~  
6           ~~modification;~~
- 7           b. ~~Enforce nonmodifiable aspects of that order; and~~
- 8           c. ~~Provide other appropriate relief for violations of that order which occurred~~  
9           ~~before the effective date of the modification.~~
- 10          4. ~~A tribunal of this state shall recognize the continuing, exclusive jurisdiction of If a~~  
11          ~~tribunal of another state which has issued a child support order pursuant to the~~  
12          ~~Uniform Interstate Family Support Act or a law substantially similar to this chapter~~  
13          ~~that Act which modifies a child support order of a tribunal of this state, tribunals of~~  
14          ~~this state shall recognize the continuing, exclusive jurisdiction of the tribunal of the~~  
15          ~~other state.~~
- 16          4. A tribunal of this state that lacks continuing, exclusive jurisdiction to modify a child  
17          support order may serve as an initiating tribunal to request a tribunal of another  
18          state to modify a support order issued in that state.
- 19          5. A temporary support order issued ex parte or pending resolution of a jurisdictional  
20          conflict does not create continuing, exclusive jurisdiction in the issuing tribunal.
- 21          6. ~~A tribunal of this state issuing a support order consistent with the law of this state~~  
22          ~~has continuing, exclusive jurisdiction over a spousal support order throughout the~~  
23          ~~existence of the support obligation. A tribunal of this state may not modify a~~  
24          ~~spousal support order issued by a tribunal of another state having continuing,~~  
25          ~~exclusive jurisdiction over that order under the law of that state.~~

26           **SECTION 10. AMENDMENT.** Section 14-12.2-09 of the North Dakota Century Code is  
27 amended and reenacted as follows:

28           **14-12.2-09. (206) Enforcement and modification of support order by tribunal**  
29 **~~having continuing jurisdiction~~ Continuing jurisdiction to enforce child support order.**

- 1           1. A tribunal of this state that has issued a child support order consistent with the law  
2           of this state may serve as an initiating tribunal to request a tribunal of another state  
3           to enforce ~~or modify a support order issued in that state;~~  
4           a. The order if the order is the controlling order and has not been modified by a  
5           tribunal of another state that assumed jurisdiction pursuant to the Uniform  
6           Interstate Family Support Act; or  
7           b. A money judgment for arrears of support and interest on the order accrued  
8           before a determination that an order of a tribunal of another state is the  
9           controlling order.  
10          2. A tribunal of this state having continuing, ~~exclusive~~ jurisdiction over a support order  
11          may act as a responding tribunal to enforce ~~or modify~~ the order. ~~If a party subject~~  
12          ~~to the continuing, exclusive jurisdiction of the tribunal no longer resides in the~~  
13          ~~issuing state, in subsequent proceedings the tribunal may apply section 14-12.2-28~~  
14          ~~to receive evidence from another state and section 14-12.2-30 to obtain discovery~~  
15          ~~through a tribunal of another state.~~  
16          ~~3. A tribunal of this state which lacks continuing, exclusive jurisdiction over a spousal~~  
17          ~~support order may not serve as a responding tribunal to modify a spousal support~~  
18          ~~order of another state.~~

19          **SECTION 11. AMENDMENT.** Section 14-12.2-10 of the North Dakota Century Code is  
20          amended and reenacted as follows:

21          **14-12.2-10. (207) Recognition Determination of controlling child support order.**

- 22          1. If a proceeding is brought under this chapter and only one tribunal has issued a  
23          child support order, the order of that tribunal controls and must be so recognized.  
24          2. If a proceeding is brought under this chapter, and two or more child support orders  
25          have been issued by tribunals of this state or another state or foreign country with  
26          regard to the same obligor and same child, a tribunal of this state having personal  
27          jurisdiction over both the obligor and individual obligee shall apply the following  
28          rules ~~in determining and by order shall determine~~ which order ~~to recognize for~~  
29          ~~purposes of continuing, exclusive jurisdiction~~ controls:  
30          a. If only one of the tribunals would have continuing, exclusive jurisdiction under  
31          this chapter, the order of that tribunal controls and must be so recognized.

- 1           b. If more than one of the tribunals would have continuing, exclusive jurisdiction  
2           under this chapter,~~an~~:
- 3           (1) An order issued by a tribunal in the current home state of the child  
4           controls and must be so recognized, but if; or
- 5           (2) If an order has not been issued in the current home state of the child,  
6           the order most recently issued controls and must be so recognized.
- 7           c. If none of the tribunals would have continuing, exclusive jurisdiction under this  
8           chapter, the tribunal of this state ~~having jurisdiction over the parties~~ shall  
9           issue a child support order, which controls ~~and must be so recognized.~~
- 10          3. If two or more child support orders have been issued for the same obligor and  
11          ~~same child and if the obligor or the individual obligee resides in this state, a, upon~~  
12          request of a party may request who is an individual or a support enforcement  
13          agency, a tribunal of this state to having personal jurisdiction over both the obligor  
14          and obligee who is an individual shall determine which order controls and must be  
15          ~~so recognized under subsection 2. The request must be accompanied by a~~  
16          ~~certified copy of every support order in effect. The requesting party shall give~~  
17          ~~notice of the request to each party whose rights may be affected by the~~  
18          ~~determination. The request may be filed with a registration for enforcement or~~  
19          registration for modification pursuant to sections 14-12.2-35 through 14-12.2-46.4,  
20          or may be filed as a separate proceeding.
- 21          4. A request to determine which is the controlling order must be accompanied by a  
22          copy of every child support order in effect and the applicable record of payments.  
23          The requesting party shall give notice of the request to each party whose rights  
24          may be affected by the determination.
- 25          5. The tribunal that issued the controlling order under subsection 1, 2, or 3 ~~is the~~  
26          ~~tribunal that~~ has continuing,~~exclusive jurisdiction under~~ to the extent provided in  
27          section 14-12.2-08 or 14-12.2-09.
- 28          5- 6. A tribunal of this state ~~which that~~ determines by order ~~the identity of~~ which is the  
29          controlling order under subdivision a or b of subsection 2 or ~~which~~ subsection 3  
30          that issues a new controlling order under subdivision c of subsection 2 shall state  
31          in that order ~~the~~:

- 1           a. The basis upon which the tribunal made its determination;  
2           b. The amount of prospective support, if any; and  
3           c. The total amount of consolidated arrears and accrued interest, if any, under  
4           all of the orders after all payments made are credited as provided in by  
5           section 14-12.2-12.

6       6- 7. Within thirty days after issuance of an order determining ~~the identity of~~ which is the  
7       controlling order, the party obtaining the order shall file a certified copy of it ~~with~~ in  
8       each tribunal that had issued or registered an earlier order of child support. A party  
9       ~~who obtains~~ or support enforcement agency obtaining the order ~~and that~~ fails to  
10      file a certified copy is subject to appropriate sanctions by a tribunal in which the  
11      issue of failure to file arises. The failure to file does not affect the validity or  
12      enforceability of the controlling order.

13      8. An order that has been determined to be the controlling order, or a judgment for  
14      consolidated arrears of support and interest, if any, made pursuant to this section  
15      must be recognized in proceedings under this chapter.

16           **SECTION 12. AMENDMENT.** Section 14-12.2-11 of the North Dakota Century Code is  
17      amended and reenacted as follows:

18           **14-12.2-11. (208) ~~Multiple-child~~ Child support orders for two or more obligees.** In  
19      responding to ~~multiple~~ registrations or petitions for enforcement of two or more child support  
20      orders in effect at the same time with regard to the same obligor and different individual  
21      obligees, at least one of which was issued by a tribunal of another state or foreign country, a  
22      tribunal of this state shall enforce those orders in the same manner as if the ~~multiple~~  
23      been issued by a tribunal of this state.

24           **SECTION 13. AMENDMENT.** Section 14-12.2-12 of the North Dakota Century Code is  
25      amended and reenacted as follows:

26           **14-12.2-12. (209) Credit for payments.** ~~Amounts~~ A tribunal of this state shall credit  
27      amounts collected and credited for a particular period pursuant to a any child support order  
28      against the amounts owed for the same period under any other child support order for support  
29      of the same child issued by a tribunal of this or another state ~~must be credited against the~~  
30      ~~amounts accruing or accrued for the same period under a support order issued by the tribunal~~  
31      ~~of this state~~ or foreign country.

1           **SECTION 14.** Section 14-12.2-12.1 of the North Dakota Century Code is created and  
2 enacted as follows:

3           **14-12.2-12.1. (210) Application of chapter to nonresident subject to personal**  
4 **jurisdiction.** A tribunal of this state exercising personal jurisdiction over a nonresident in a  
5 proceeding under this chapter, under other law of this state relating to a support order, or  
6 recognizing a foreign support order may receive evidence from outside this state pursuant to  
7 section 14-12.2-28, communicate with a tribunal outside this state pursuant to section  
8 14-12.2-29, and obtain discovery through a tribunal outside this state pursuant to section  
9 14-12.2-30. In all other respects, sections 14-12.2-13 through 14-12.2-47.13 do not apply and  
10 the tribunal shall apply the procedural and substantive law of this state.

11           **SECTION 15.** Section 14-12.2-12.2 of the North Dakota Century Code is created and  
12 enacted as follows:

13           **14-12.2-12.2. (211) Continuing, exclusive jurisdiction to modify spousal support**  
14 **order.**

15           1. A tribunal of this state issuing a spousal support order consistent with the law of  
16 this state has continuing, exclusive jurisdiction to modify the spousal support order  
17 throughout the existence of the support obligation.

18           2. A tribunal of this state may not modify a spousal support order issued by a tribunal  
19 of another state or foreign country having continuing, exclusive jurisdiction over  
20 that order under the law of that state or foreign country.

21           3. A tribunal of this state that has continuing, exclusive jurisdiction over a spousal  
22 support order may serve as:

23           a. An initiating tribunal to request a tribunal of another state to enforce the  
24 spousal support order issued in this state; or

25           b. A responding tribunal to enforce or modify its own spousal support order.

26           **SECTION 16. AMENDMENT.** Section 14-12.2-13 of the North Dakota Century Code is  
27 amended and reenacted as follows:

28           **14-12.2-13. (301) Proceedings under this chapter.**

29           1. Except as otherwise provided in this chapter, sections 14-12.2-13 through  
30 14-12.2-31 apply to all proceedings under this chapter.

31           2. This chapter provides for the following proceedings:

- 1           a. ~~Establishment of an order for spousal support or child support under section~~  
2                 ~~14-12.2-32;~~
- 3           b. ~~Enforcement of a support order and income withholding order of another state~~  
4                 ~~without registration under sections 14-12.2-33 and 14-12.2-34;~~
- 5           c. ~~Registration of an order for spousal support or child support of another state~~  
6                 ~~for enforcement under sections 14-12.2-35 through 14-12.2-46;~~
- 7           d. ~~Modification of an order for child support or spousal support issued by a~~  
8                 ~~tribunal of this state under sections 14-12.2-06 through 14-12.2-09;~~
- 9           e. ~~Registration of an order for child support of another state for modification~~  
10                ~~under sections 14-12.2-35 through 14-12.2-46;~~
- 11          f. ~~Determination of parentage under section 14-12.2-47; and~~
- 12          g. ~~Assertion of jurisdiction over nonresidents under sections 14-12.2-04 and~~  
13                ~~14-12.2-05.~~
- 14          3. An individual petitioner or a support enforcement agency may ~~commence~~ initiate a  
15                proceeding authorized under this chapter by filing a petition in an initiating tribunal  
16                for forwarding to a responding tribunal or by filing a petition or a comparable  
17                pleading directly in a tribunal of another state or foreign country which has or can  
18                obtain personal jurisdiction over the respondent.

19           **SECTION 17. AMENDMENT.** Section 14-12.2-14 of the North Dakota Century Code is  
20           amended and reenacted as follows:

21           **14-12.2-14. (302) Action Proceeding by minor parent.** A minor parent, or a guardian  
22           or other legal representative of a minor parent, may maintain a proceeding on behalf of or for  
23           the benefit of the minor's child.

24           **SECTION 18. AMENDMENT.** Section 14-12.2-15 of the North Dakota Century Code is  
25           amended and reenacted as follows:

26           **14-12.2-15. (303) Application of law of this state.** Except as otherwise provided by  
27           this chapter, a responding tribunal of this state shall:

- 28           1. ~~Shall apply~~ Apply the procedural and substantive law, ~~including the rules on choice~~  
29                ~~of law~~, generally applicable to similar proceedings originating in this state and may  
30                exercise all powers and provide all remedies available in those proceedings; and

- 1           2. ~~Shall determine~~ Determine the duty of support and the amount payable in  
2                   accordance with the law and support guidelines of this state.

3           **SECTION 19. AMENDMENT.** Section 14-12.2-16 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5           **14-12.2-16. (304) Duties of initiating tribunal.**

- 6           1. Upon the filing of a petition authorized by this chapter, an initiating tribunal of this  
7                   state shall forward ~~three copies of~~ the petition and its accompanying documents:  
8                   a. To the responding tribunal or appropriate support enforcement agency in the  
9                   responding state; or  
10                  b. If the identity of the responding tribunal is unknown, to the state information  
11                   agency of the responding state with a request that they be forwarded to the  
12                   appropriate tribunal and that receipt be acknowledged.  
13           2. ~~If a responding state has not enacted the Uniform Interstate Family Support Act or~~  
14           ~~a law or procedure substantially similar to this chapter~~ requested by the responding  
15           tribunal, a tribunal of this state ~~may~~ shall issue a certificate or other document and  
16           make findings required by the law of the responding state. If the responding ~~state~~  
17           tribunal is in a foreign jurisdiction country, upon request the tribunal ~~may~~ of this  
18           state shall specify the amount of support sought ~~and~~, convert that amount into the  
19           equivalent amount in the foreign currency under applicable official or market  
20           exchange rate as publicly reported, and provide any other documents necessary to  
21           satisfy the requirements of the responding ~~state~~ foreign tribunal.

22           **SECTION 20. AMENDMENT.** Section 14-12.2-17 of the North Dakota Century Code is  
23 amended and reenacted as follows:

24           **14-12.2-17. (305) Duties and powers of responding tribunal.**

- 25           1. When a responding tribunal of this state receives a petition or comparable pleading  
26                   from an initiating tribunal or directly under subsection ~~3~~ 2 of section 14-12.2-13, it  
27                   shall cause the petition or pleading to be filed and notify the petitioner where and  
28                   when it was filed.  
29           2. A responding tribunal of this state, to the extent ~~otherwise authorized~~ not  
30           prohibited by other law, may do one or more of the following:

- 1           a. ~~Issue~~ Establish or enforce a support order, modify a child support order,  
2           determine the controlling child support order, or ~~render a judgment to~~  
3           determine parentage of a child;
- 4           b. Order an obligor to comply with a support order, specifying the amount and  
5           the manner of compliance;
- 6           c. Order income withholding;
- 7           d. Determine the amount of any arrearages, and specify a method of payment;
- 8           e. Enforce orders by civil or criminal contempt, or both;
- 9           f. Set aside property for satisfaction of the support order;
- 10          g. Place liens and order execution on the obligor's property;
- 11          h. Order an obligor to keep the tribunal informed of the obligor's current  
12          residential address, electronic mail address, telephone number, employer,  
13          address of employment, and telephone number at the place of employment;
- 14          i. Issue a bench warrant for an obligor who has failed after proper notice to  
15          appear at a hearing ordered by the tribunal and enter the bench warrant in  
16          any local and state computer systems for criminal warrants;
- 17          j. Order the obligor to seek appropriate employment by specified methods;
- 18          k. Award reasonable attorney's fees and other fees and costs; and
- 19          l. Grant any other available remedy.
- 20          3. A responding tribunal of this state shall include in a support order issued under this  
21          chapter, or in the documents accompanying the order, the calculations on which  
22          the support order is based.
- 23          4. A responding tribunal of this state may not condition the payment of a support  
24          order issued under this chapter upon compliance by a party with provisions for  
25          visitation.
- 26          5. If a responding tribunal of this state issues an order under this chapter, the tribunal  
27          shall send a copy of the order to the petitioner and the respondent and to the  
28          initiating tribunal, if any.
- 29          6. If requested to enforce a support order, arrears, or judgment or modify a support  
30          order stated in a foreign currency, a responding tribunal of this state shall convert

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

3           **SECTION 21. AMENDMENT.** Section 14-12.2-18 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5           **14-12.2-18. (306) Inappropriate tribunal.** If a petition or comparable pleading is  
6 received by an inappropriate tribunal of this state, ~~it~~ the tribunal shall forward the pleading and  
7 accompanying documents to an appropriate tribunal ~~in~~ of this state or another state and notify  
8 the petitioner where and when the pleading was sent.

9           **SECTION 22. AMENDMENT.** Section 14-12.2-19 of the North Dakota Century Code is  
10 amended and reenacted as follows:

11           **14-12.2-19. (307) Duties of support enforcement agency.**

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

14           2. A support enforcement agency of this state that is providing services to the  
15 petitioner ~~as appropriate~~ shall:

16           a. Take all steps necessary to enable an appropriate tribunal ~~in~~ of this state or  
17 another state or foreign country to obtain jurisdiction over the respondent;

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

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

21           d. Within two days, exclusive of Saturdays, Sundays, and legal holidays, after  
22 receipt of ~~a written~~ notice in a record from an initiating, responding, or  
23 registering tribunal, send a copy of the notice to the petitioner;

24           e. Within two days, exclusive of Saturdays, Sundays, and legal holidays, after  
25 receipt of ~~a written~~ communication in a record from the respondent or the  
26 respondent's attorney, send a copy of the communication to the petitioner;  
27 and

28           f. Notify the petitioner if jurisdiction over the respondent cannot be obtained.

29           3. A support enforcement agency of this state which requests registration of a child  
30 support order in this state for enforcement or for modification shall make  
31 reasonable efforts:

- 1           a. To ensure that the order to be registered is the controlling order; or  
2           b. If two or more child support orders exist and the identity of the controlling  
3           order has not been determined, to ensure that a request for such a  
4           determination is made in a tribunal having jurisdiction to do so.
- 5           4. A support enforcement agency of this state which requests registration and  
6           enforcement of a support order, arrears, or judgment stated in a foreign currency  
7           shall convert the amounts stated in the foreign currency into the equivalent  
8           amounts in dollars under the applicable official or market exchange rate as publicly  
9           reported.
- 10          5. A support enforcement agency of this state shall request a tribunal of this state to  
11          issue a child support order and an income withholding order that redirect payment  
12          of current support, arrears, and interest if requested to do so by a support  
13          enforcement agency of another state pursuant to section 14-12.2-31.
- 14          6. This chapter does not create or negate a relationship of attorney and client or other  
15          fiduciary relationship between a support enforcement agency or the attorney for the  
16          agency and the individual being assisted by the agency.

17           **SECTION 23. AMENDMENT.** Section 14-12.2-20 of the North Dakota Century Code is  
18 amended and reenacted as follows:

19           **14-12.2-20. (308) Duty of attorney general.**

- 20           1. If the attorney general determines that the support enforcement agency is  
21           neglecting or refusing to provide services to an individual, the attorney general may  
22           order the agency to perform its duties under this chapter or may provide those  
23           services directly to the individual.
- 24           2. The attorney general may determine that a foreign country has established a  
25           reciprocal arrangement for child support with this state and take appropriate action  
26           for notification of the determination.

27           **SECTION 24. AMENDMENT.** Section 14-12.2-22 of the North Dakota Century Code is  
28 amended and reenacted as follows:

29           **14-12.2-22. (310) Duties of state information agency.**

- 30           1. The department of human services is the state information agency under this  
31           chapter.

- 1           2. The state information agency shall:
- 2           a. Compile and maintain a current list, including addresses, of the tribunals in
- 3           this state which have jurisdiction under this chapter and any support
- 4           enforcement agencies in this state and transmit a copy to the state
- 5           information agency of every other state.
- 6           b. Maintain a register of names and addresses of tribunals and support
- 7           enforcement agencies received from other states.
- 8           c. Forward to the appropriate tribunal in the ~~place~~ county in this state in which
- 9           the ~~individual~~ obligee who is an individual or the obligor resides, or in which
- 10          the obligor's property is believed to be located, all documents concerning a
- 11          proceeding under this chapter received from ~~an initiating tribunal or the state~~
- 12          ~~information agency of the initiating state~~ another state or foreign country.
- 13          d. Obtain information concerning the location of the obligor and the obligor's
- 14          property within this state not exempt from execution, by such means as postal
- 15          verification and federal or state locator services, examination of telephone
- 16          directories, requests for the obligor's address from employers, and
- 17          examination of governmental records, including, to the extent not prohibited
- 18          by other law, those relating to real property, vital statistics, law enforcement,
- 19          taxation, motor vehicles, driver's licenses, and social security.

20           **SECTION 25. AMENDMENT.** Section 14-12.2-23 of the North Dakota Century Code is

21   amended and reenacted as follows:

22           **14-12.2-23. (311) Pleadings and accompanying documents.**

- 23          1. A In a proceeding under this chapter, a petitioner seeking to establish ~~or modify~~ a
- 24          support order ~~or,~~ to determine parentage ~~in a proceeding under this chapter,~~ or to
- 25          register and modify a support order of a tribunal of another state or foreign country
- 26          must ~~verify the file~~ file a petition. Unless otherwise ordered under section 14-12.2-24,
- 27          the petition or accompanying documents must provide, so far as known, the name,
- 28          residential address, and social security numbers of the obligor and the obligee or
- 29          the parent and alleged parent, and the name, sex, residential address, social
- 30          security number, and date of birth of each child for ~~whom~~ whose benefit support is
- 31          sought or whose parentage is to be determined. ~~The~~ Unless filed at the time of

1           registration, the petition must be accompanied by a certified copy of any support  
2           order in effect known to have been issued by another tribunal. The petition may  
3           include any other information that may assist in locating or identifying the  
4           respondent.

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

8           **SECTION 26. AMENDMENT.** Section 14-12.2-24 of the North Dakota Century Code is  
9           amended and reenacted as follows:

10           **14-12.2-24. (312) Nondisclosure of information in ~~exceptional circumstances.~~**

11           ~~Upon a finding, which may be made ex parte, that the health, safety, or liberty of a party or child~~  
12           ~~would be unreasonably put at risk by the disclosure of identifying information, or if an existing~~  
13           ~~order so provides, a tribunal shall order that the address of the child or party or other identifying~~  
14           ~~information not be disclosed in a pleading or other document filed in a proceeding under this~~  
15           ~~chapter. If a party alleges in an affidavit or a pleading under oath that the health, safety, or~~  
16           ~~liberty of a party or child would be jeopardized by disclosure of specific identifying information,~~  
17           ~~that information must be sealed and may not be disclosed to the other party or the public. After~~  
18           ~~a hearing in which a tribunal takes into consideration the health, safety, or liberty of the party or~~  
19           ~~child, the tribunal may order disclosure of information that the tribunal determines to be in the~~  
20           ~~interest of justice.~~

21           **SECTION 27. AMENDMENT.** Section 14-12.2-25 of the North Dakota Century Code is  
22           amended and reenacted as follows:

23           **14-12.2-25. (313) Costs and fees.**

24           1. The petitioner may not be required to pay a filing fee or other costs.  
25           2. If an obligee prevails, a responding tribunal of this state may assess against an  
26           obligor filing fees, reasonable attorney's fees, other costs, and necessary travel  
27           and other reasonable expenses incurred by the obligee and the obligee's  
28           witnesses. The tribunal may not assess fees, costs, or expenses against the  
29           obligee or the support enforcement agency of either the initiating or the responding  
30           state or foreign country, except as provided by other law. Attorney's fees may be  
31           taxed as costs, and may be ordered paid directly to the attorney, who may enforce

1 the order in the attorney's own name. Payment of support owed to the obligee has  
2 priority over fees, costs, and expenses.

3 3. The tribunal shall order the payment of costs and reasonable attorney's fees if it  
4 determines that a hearing was requested primarily for delay. In a proceeding  
5 under sections 14-12.2-35 through 14-12.2-46, a hearing is presumed to have  
6 been requested primarily for delay if a registered support order is confirmed or  
7 enforced without change.

8 **SECTION 28. AMENDMENT.** Section 14-12.2-26 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10 **14-12.2-26. (314) Limited immunity of petitioner.**

11 1. Participation by a petitioner in a proceeding under this chapter before a responding  
12 tribunal, whether in person, by private attorney, or through services provided by the  
13 support enforcement agency, does not confer personal jurisdiction over the  
14 petitioner in another proceeding.

15 2. A petitioner is not amenable to service of civil process while physically present in  
16 this state to participate in a proceeding under this chapter.

17 3. The immunity granted by this section does not extend to civil litigation based on  
18 acts unrelated to a proceeding under this chapter committed by a party while  
19 physically present in this state to participate in the proceeding.

20 **SECTION 29. AMENDMENT.** Section 14-12.2-28 of the North Dakota Century Code is  
21 amended and reenacted as follows:

22 **14-12.2-28. (316) Special rules of evidence and procedure.**

23 1. The physical presence of ~~the petitioner~~ a nonresident party who is an individual in  
24 a ~~responding~~ tribunal of this state is not required for the establishment,  
25 enforcement, or modification of a support order or the rendition of a judgment  
26 determining parentage.

27 2. ~~A verified petition;~~ An affidavit, a document substantially complying with federally  
28 mandated forms, and or a document incorporated by reference in any of them,  
29 which would not be excluded under the hearsay rule if given in person, is  
30 admissible in evidence if given under ~~oath~~ penalty of perjury by a party or witness  
31 residing ~~in another~~ outside this state.

- 1           3. A copy of the record of child support payments certified as a true copy of the  
2           original by the custodian of the record may be forwarded to a responding tribunal.  
3           The copy is evidence of facts asserted in it and is admissible to show whether  
4           payments were made.
- 5           4. Copies of bills for testing for parentage, and for prenatal and postnatal health care  
6           of the mother and child, furnished to the adverse party at least ten days before trial,  
7           are admissible in evidence to prove the amount of the charges billed and that the  
8           charges were reasonable, necessary, and customary.
- 9           5. Documentary evidence transmitted from ~~another~~ outside this state to a tribunal of  
10          this state by telephone, telecopier, or other means that do not provide an original  
11          ~~writing~~ record may not be excluded from evidence on an objection based on the  
12          means of transmission.
- 13          6. In a proceeding under this chapter, a tribunal of this state ~~may~~ shall permit a party  
14          or witness residing in ~~another~~ outside this state to be deposed or to testify by  
15          telephone, audiovisual means, or other electronic means at a designated tribunal  
16          or other location in that state. A tribunal of this state shall cooperate with other  
17          tribunals ~~of other states~~ in designating an appropriate location for the deposition or  
18          testimony.
- 19          7. If a party called to testify at a civil hearing refuses to answer on the ground that the  
20          testimony may be self-incriminating, the trier of fact may draw an adverse inference  
21          from the refusal.
- 22          8. A privilege against disclosure of communications between spouses does not apply  
23          in a proceeding under this chapter.
- 24          9. The defense of immunity based on the relationship of husband and wife or parent  
25          and child does not apply in a proceeding under this chapter.
- 26          10. A voluntary acknowledgment of paternity, certified as a true copy, is admissible to  
27          establish parentage of the child.

28           **SECTION 30. AMENDMENT.** Section 14-12.2-29 of the North Dakota Century Code is  
29   amended and reenacted as follows:

30           **14-12.2-29. (317) Communications between tribunals.** A tribunal of this state may  
31   communicate with a tribunal ~~of another~~ outside this state in ~~writing~~ a record, or by telephone or

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

5 **SECTION 31. AMENDMENT.** Section 14-12.2-30 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **14-12.2-30. (318) Assistance with discovery.** A tribunal of this state may:

- 8 1. Request a tribunal ~~of another~~ outside this state to assist in obtaining discovery;
- 9 and
- 10 2. Upon request, compel a person over whom it has jurisdiction to respond to a  
11 discovery order issued by a tribunal ~~of another~~ outside this state.

12 **SECTION 32. AMENDMENT.** Section 14-12.2-31 of the North Dakota Century Code is  
13 amended and reenacted as follows:

14 **14-12.2-31. (319) Receipt and disbursement of payments.**

- 15 1. A support enforcement agency or tribunal of this state shall disburse promptly any  
16 amounts received pursuant to a support order, as directed by the order. The  
17 agency or tribunal shall furnish to a requesting party or tribunal of another state or  
18 foreign country a certified statement by the custodian of the record of the amounts  
19 and dates of all payments received.
- 20 2. If neither the obligor, nor the obligee who is an individual, nor the child resides in  
21 this state, upon request from the support enforcement agency of this state or  
22 another state, the support enforcement agency of this state or a tribunal of this  
23 state shall:
  - 24 a. Direct that the support payment be made to the support enforcement agency  
25 in the state in which the obligee is receiving services; and
  - 26 b. Issue and send to the obligor's employer a conforming income-withholding  
27 order or an administrative notice of change of payee, reflecting the redirected  
28 payments.
- 29 3. The support enforcement agency of this state receiving redirected payments from  
30 another state pursuant to a law similar to subsection 2 shall furnish to a requesting

1           party or tribunal of the other state a certified statement by the custodian of the  
2           record of the amount and dates of all payments received.

3           **SECTION 33. AMENDMENT.** Section 14-12.2-32 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5           **14-12.2-32. (401) Petition to establish support order.**

- 6           1. If a support order entitled to recognition under this chapter has not been issued, a  
7           responding tribunal of this state with personal jurisdiction over the parties may  
8           issue a support order if:
- 9           a. The individual seeking the order resides ~~in another~~ outside this state; or
  - 10           b. The support enforcement agency seeking the order is located ~~in another~~  
11           outside this state.
  - 12           2. The tribunal may issue a temporary child support order if the tribunal determines  
13           that such an order is appropriate and the individual ordered to pay is:
  - 14           a. ~~The respondent has signed a verified statement acknowledging parentage~~ A  
15           presumed father of the child;
  - 16           b. ~~The respondent has been determined by or pursuant to law to be the parent~~  
17           Petitioning to have his paternity adjudicated; or
  - 18           c. ~~There is other clear and convincing evidence that the respondent is the child's~~  
19           ~~parent~~ Identified as the father of the child through genetic testing;
  - 20           d. An alleged father who has declined to submit to genetic testing;
  - 21           e. Shown by clear and convincing evidence to be the father of the child;
  - 22           f. An acknowledged father as provided by chapter 14-20;
  - 23           g. The mother of the child; or
  - 24           h. An individual who has been ordered to pay child support in a previous  
25           proceeding and the order has not been reversed or vacated.
  - 26           3. Upon finding, after notice and opportunity to be heard, that an obligor owes a duty  
27           of support, the tribunal shall issue a support order directed to the obligor and may  
28           issue other orders under section 14-12.2-17.

29           **SECTION 34.** Section 14-12.2-32.1 of the North Dakota Century Code is created and  
30 enacted as follows:

1           **14-12.2-32.1. (402) Proceeding to determine parentage.** A tribunal of this state  
2 authorized to determine parentage of a child may serve as a responding tribunal in a  
3 proceeding to determine parentage brought under this chapter or a law or procedure  
4 substantially similar to this chapter.

5           **SECTION 35. AMENDMENT.** Section 14-12.2-33 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7           **14-12.2-33. (501) Employer's receipt of income-withholding order of another state.**

8 An income-withholding order issued in another state may be sent by or on behalf of the obligee,  
9 or by the support enforcement agency, to the person ~~or entity~~ defined as the obligor's employer  
10 under section 14-09-09.10 without first filing a petition or comparable pleading or registering the  
11 order with a tribunal of this state.

12           **SECTION 36. AMENDMENT.** Section 14-12.2-33.1 of the North Dakota Century Code  
13 is amended and reenacted as follows:

14           **14-12.2-33.1. (502) Employer's compliance with income-withholding order of**  
15 **another state.**

- 16           1. Upon receipt of an income-withholding order, the obligor's employer shall  
17           immediately provide a copy of the order to the obligor.
- 18           2. The employer shall treat an income-withholding order issued in another state which  
19           appears regular on its face as if it had been issued by a tribunal of this state.
- 20           3. Except as otherwise provided by subsection 4 and section 14-12.2-33.2, the  
21           employer shall withhold and distribute the funds as directed in the withholding  
22           order by complying with the terms of the order which specify:
  - 23           a. The duration and amount of periodic payments of current child support, stated  
24           as a sum certain;
  - 25           b. The person ~~or agency~~ designated to receive payments and the address to  
26           which the payments are to be forwarded;
  - 27           c. Medical support, whether in the form of periodic cash payment, stated as a  
28           sum certain, or ordering the obligor to provide health insurance coverage for  
29           the child under a policy available through the obligor's employment;

- 1           d. The amount of periodic payments of fees and costs for a support enforcement  
2           agency, the issuing tribunal, and the obligee's attorney, stated as sums  
3           certain; and
- 4           e. The amount of periodic payments of arrearages and interest on arrearages,  
5           stated as sums certain.
- 6           4. An employer shall comply with the law of the state of the obligor's principal place of  
7           employment for withholding from income with respect to:
- 8           a. The employer's fee for processing an income-withholding order;
- 9           b. The maximum amount permitted to be withheld from the obligor's income; and
- 10           c. The times within which the employer must implement the withholding order  
11           and forward the child support payment.

12           **SECTION 37. AMENDMENT.** Section 14-12.2-33.2 of the North Dakota Century Code  
13 is amended and reenacted as follows:

14           **14-12.2-33.2. (503) ~~Compliance~~ Employer's compliance with multiple two or more**  
15 **income-withholding orders.** If an obligor's employer receives ~~multiple~~ two or more  
16 income-withholding orders with respect to the earnings of the same obligor, the employer  
17 satisfies the terms of the ~~multiple~~ orders if the employer complies with the law of the state of the  
18 obligor's principal place of employment to establish the priorities for withholding and allocating  
19 income withheld for ~~multiple~~ two or more child support obligees.

20           **SECTION 38. AMENDMENT.** Section 14-12.2-33.3 of the North Dakota Century Code  
21 is amended and reenacted as follows:

22           **14-12.2-33.3. (504) Immunity from civil liability.** An employer ~~who~~ that complies with  
23 an income-withholding order issued in another state in accordance with this chapter is not  
24 subject to civil liability to an individual or agency with regard to the employer's withholding of  
25 child support from the obligor's income.

26           **SECTION 39. AMENDMENT.** Section 14-12.2-33.4 of the North Dakota Century Code  
27 is amended and reenacted as follows:

28           **14-12.2-33.4. (505) Penalties for noncompliance.** An employer ~~who~~ that willfully fails  
29 to comply with an income-withholding order issued by another state and received for  
30 enforcement is subject to the same penalties that may be imposed for noncompliance with an  
31 order issued by a tribunal of this state.

1           **SECTION 40. AMENDMENT.** Section 14-12.2-33.5 of the North Dakota Century Code  
2 is amended and reenacted as follows:

3           **14-12.2-33.5. (506) Contest by obligor.**

- 4           1. An obligor may contest the validity or enforcement of an income-withholding order  
5 issued in another state and received directly by an employer in this state by  
6 registering the order in a tribunal of this state and filing a contest to that order as  
7 provided in sections 14-12.2-35 through 14-12.2-46.4, or otherwise contesting the  
8 order in the same manner as if the order had been issued by a tribunal of this  
9 state. ~~Section 14-12.2-38 applies to the contest.~~
- 10          2. The obligor shall give notice of the contest to:
- 11           a. A support enforcement agency providing services to the obligee;
- 12           b. Each employer that has directly received an income-withholding order relating  
13 to the obligor; and
- 14           c. The person ~~or agency~~ designated to receive payments in the  
15 income-withholding order or if no person ~~or agency~~ is designated, to the  
16 obligee.

17           **SECTION 41. AMENDMENT.** Section 14-12.2-34 of the North Dakota Century Code is  
18 amended and reenacted as follows:

19           **14-12.2-34. (507) Administrative enforcement of orders.**

- 20          1. A party ~~or support enforcement agency~~ seeking to enforce a support order or an  
21 income-withholding order, or both, issued ~~by a tribunal of~~ in another state ~~or a~~  
22 foreign support order may send the documents required for registering the order to  
23 a support enforcement agency of this state.
- 24          2. Upon receipt of the documents, the support enforcement agency, without initially  
25 seeking to register the order, shall consider and, if appropriate, use any  
26 administrative procedure authorized by the law of this state to enforce a support  
27 order or an income-withholding order, or both. If the obligor does not contest  
28 administrative enforcement, the order need not be registered. If the obligor  
29 contests the validity or administrative enforcement of the order, the support  
30 enforcement agency shall register the order pursuant to this chapter.

1           **SECTION 42. AMENDMENT.** Section 14-12.2-35 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3           **14-12.2-35. (601) Registration of order for enforcement.** A support order or an  
4 income-withholding order issued ~~by a tribunal of~~ in another state or a foreign support order may  
5 be registered in this state for enforcement.

6           **SECTION 43. AMENDMENT.** Section 14-12.2-36 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8           **14-12.2-36. (602) Procedure to register order for enforcement.**

- 9           1. A Subject to section 14-12.2-47.6, a support order or income-withholding order of  
10 another state or a foreign support order may be registered in this state by sending  
11 the following ~~documents and information~~ records to the appropriate tribunal in this  
12 state:
- 13           a. A letter of transmittal to the tribunal requesting registration and enforcement;
  - 14           b. Two copies, including one certified copy, of ~~all orders~~ the order to be  
15 registered, including any modification of ~~an~~ the order;
  - 16           c. A sworn statement by the ~~party seeking~~ person requesting registration or a  
17 certified statement by the custodian of the records showing the amount of any  
18 arrearage;
  - 19           d. The name of the obligor and, if known:
    - 20               (1) The obligor's address and social security number;
    - 21               (2) The name and address of the obligor's employer and any other source  
22 of income of the obligor; and
    - 23               (3) A description and the location of property of the obligor in this state not  
24 exempt from execution; and
  - 25           e. ~~The~~ Except as otherwise provided in section 14-12.2-24, name and address  
26 of the obligee and, if applicable, the ~~agency or~~ person to whom support  
27 payments are to be remitted.
- 28           2. On receipt of a request for registration, the registering tribunal shall cause the  
29 order to be filed as ~~a foreign judgment~~ an order of another state or foreign country,  
30 together with one copy of the documents and information, regardless of their form.

- 1           3. A petition or comparable pleading seeking a remedy that must be affirmatively  
2           sought under other law of this state may be filed at the same time as the request  
3           for registration or later. The pleading must specify the grounds for the remedy  
4           sought.
- 5           4. If two or more orders are in effect, the person requesting registration shall:  
6           a. Furnish to the tribunal a copy of every support order asserted to be in effect in  
7           addition to the documents specified in this section;  
8           b. Specify the order alleged to be the controlling order, if any; and  
9           c. Specify the amount of consolidated arrears, if any.
- 10          5. A request for a determination of which is the controlling order may be filed  
11          separately or with a request for registration and enforcement or for registration and  
12          modification. The person requesting registration shall give notice of the requests to  
13          each party whose rights may be affected by the determination.

14           **SECTION 44. AMENDMENT.** Section 14-12.2-37 of the North Dakota Century Code is  
15 amended and reenacted as follows:

16           **14-12.2-37. (603) Effect of registration for enforcement.**

- 17          1. A support order or income-withholding order issued in another state or a foreign  
18          support order is registered when the order is filed in the registering tribunal of this  
19          state.
- 20          2. A registered order issued in another state or foreign country is enforceable in the  
21          same manner and is subject to the same procedures as an order issued by a  
22          tribunal of this state.
- 23          3. Except as otherwise provided in this chapter, a tribunal of this state shall recognize  
24          and enforce, but may not modify, a registered order if the issuing tribunal had  
25          jurisdiction.

26           **SECTION 45. AMENDMENT.** Section 14-12.2-38 of the North Dakota Century Code is  
27 amended and reenacted as follows:

28           **14-12.2-38. (604) Choice of law.**

- 29          1. ~~The~~ Except as otherwise provided in subsection 4, the law of the issuing state or  
30          foreign country governs the

- 1           a. The nature, extent, amount, and duration of current payments and other  
2           obligations of support and the under a registered support order;
- 3           b. The computation and payment of arrearages and accrual of interest on the  
4           arrearages under the support order; and
- 5           c. The existence and satisfaction of other obligations under the support order.
- 6        2. In a proceeding for arrearages under a registered support order, the statute of  
7        limitation ~~under the laws~~ of this state, or of the issuing state or foreign country,  
8        whichever is longer, applies.
- 9        3. A responding tribunal of this state shall apply the procedures and remedies of this  
10       state to enforce current support and collect arrears and interest due on a support  
11       order of another state or foreign country registered in this state.
- 12       4. After a tribunal of this or another state determines which is the controlling order  
13       and issues an order consolidating arrears, if any, a tribunal of this state shall  
14       prospectively apply the law of the state or foreign country issuing the controlling  
15       order, including its law on interest on arrears, on current and future support, and on  
16       consolidated arrears.

17        **SECTION 46. AMENDMENT.** Section 14-12.2-39 of the North Dakota Century Code is  
18 amended and reenacted as follows:

19        **14-12.2-39. (605) Notice of registration of order.**

- 20        1. When a support order or income-withholding order issued in another state or a  
21        foreign support order is registered, the registering tribunal of this state shall notify  
22        the nonregistering party. The notice must be accompanied by a copy of the  
23        registered order and the documents and relevant information accompanying the  
24        order.
- 25        2. ~~The~~ A notice must inform the nonregistering party:
  - 26           a. That a registered order is enforceable as of the date of registration in the  
27           same manner as an order issued by a tribunal of this state;
  - 28           b. That a hearing to contest the validity or enforcement of the registered order  
29           must be requested within twenty days after notice unless the registered order  
30           is subject to section 14-12.2-47.7;

- 1           c. That failure to contest the validity or enforcement of the registered order in a  
2           timely manner will result in confirmation of the order and enforcement of the  
3           order and the alleged arrearages ~~and precludes further contest of that order~~  
4           ~~with respect to any matter that could have been asserted~~; and  
5           d. Of the amount of any alleged arrearages.
- 6           3. If the registering party asserts that two or more orders are in effect, a notice must  
7           also:  
8           a. Identify the two or more orders and the order alleged by the registering party  
9           to be the controlling order and the consolidated arrears, if any;  
10          b. Notify the nonregistering party of the right to a determination of which is the  
11          controlling order;  
12          c. State that the procedures provided in subsection 2 apply to the determination  
13          of which is the controlling order; and  
14          d. State that failure to contest the validity or enforcement of the order alleged to  
15          be the controlling order in a timely manner may result in confirmation that the  
16          order is the controlling order.
- 17          4. Upon registration of an income-withholding order for enforcement, the support  
18          enforcement agency or the registering tribunal shall notify the obligor's employer  
19          pursuant to the income-withholding requirements of chapter 14-09.

20           **SECTION 47. AMENDMENT.** Section 14-12.2-40 of the North Dakota Century Code is  
21 amended and reenacted as follows:

22           **14-12.2-40. (606) Procedure to contest validity or enforcement of registered order.**

- 23           1. A nonregistering party seeking to contest the validity or enforcement of a registered  
24           order in this state shall request a hearing ~~within twenty days after notice of the~~  
25           ~~registration~~ in accordance with the notice provided in section 14-12.2-39. The  
26           nonregistering party may seek to vacate the registration, to assert any defense to  
27           an allegation of noncompliance with the registered order, or to contest the  
28           remedies being sought or the amount of any alleged arrearages pursuant to  
29           section 14-12.2-41.
- 30           2. If the nonregistering party fails to contest the validity or enforcement of the  
31           registered order in a timely manner, the order is confirmed by operation of law.

- 1           3. If a nonregistering party requests a hearing to contest the validity or enforcement of  
2           the registered order, the registering tribunal shall schedule the matter for hearing  
3           and give notice to the parties of the date, time, and place of the hearing.

4           **SECTION 48. AMENDMENT.** Section 14-12.2-41 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6           **14-12.2-41. (607) Contest of registration or enforcement.**

- 7           1. A party contesting the validity or enforcement of a registered order or seeking to  
8           vacate the registration has the burden of proving one or more of the following  
9           defenses:
- 10           a. The issuing tribunal lacked personal jurisdiction over the contesting party;
  - 11           b. The order was obtained by fraud;
  - 12           c. The order has been vacated, suspended, or modified by a later order;
  - 13           d. The issuing tribunal has stayed the order pending appeal;
  - 14           e. There is a defense under the law of this state to the remedy sought;
  - 15           f. Full or partial payment has been made; ~~or~~
  - 16           g. The statute of limitation under section 14-12.2-38 precludes enforcement of  
17           some or all of the alleged arrearages; or
  - 18           h. The alleged controlling order is not the controlling order.
- 19           2. If a party presents evidence establishing a full or partial defense under  
20           subsection 1, a tribunal may stay enforcement of the registered order, continue the  
21           proceeding to permit production of additional relevant evidence, and issue other  
22           appropriate orders. An uncontested portion of the registered order may be  
23           enforced by all remedies available under the law of this state.
- 24           3. If the contesting party does not establish a defense under subsection 1 to the  
25           validity or enforcement of the order, the registering tribunal shall issue an order  
26           confirming the order.

27           **SECTION 49. AMENDMENT.** Section 14-12.2-43 of the North Dakota Century Code is  
28 amended and reenacted as follows:

- 29           **14-12.2-43. (609) Procedure to register child support order of another state for**  
30 **modification.** A party or support enforcement agency seeking to modify, or to modify and  
31 enforce, a child support order issued in another state shall register that order in this state in the

1 same manner provided in sections 14-12.2-35 through ~~14-12.2-38 of this chapter~~ 14-12.2-42 if  
2 the order has not been registered. A petition for modification may be filed at the same time as a  
3 request for registration or later. The pleading must specify the grounds for modification.

4 **SECTION 50. AMENDMENT.** Section 14-12.2-44 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **14-12.2-44. (610) Effect of registration for modification.** A tribunal of this state may  
7 enforce a child support order of another state registered for purposes of modification, in the  
8 same manner as if the order had been issued by a tribunal of this state, but the registered order  
9 may be modified only if the requirements of section 14-12.2-45 or 14-12.2-46.1 have been met.

10 **SECTION 51. AMENDMENT.** Section 14-12.2-45 of the North Dakota Century Code is  
11 amended and reenacted as follows:

12 **14-12.2-45. (611) Modification of child support order of another state.**

13 1. ~~After~~ If section 14-12.2-46.1 does not apply, upon petition a tribunal of this state  
14 may modify a child support order issued in another state ~~has been~~ which is  
15 registered in this state, ~~the responding tribunal of this state may modify that order~~  
16 ~~only if section 14-12.2-46.1 does not apply and if,~~ after notice and hearing it, the  
17 tribunal finds that:

18 a. The following requirements are met:

- 19 (1) ~~The~~ Neither the child, nor the individual obligee who is an individual,  
20 and nor the obligor do not reside resides in the issuing state;  
21 (2) A petitioner who is a nonresident of this state seeks modification; and  
22 (3) The respondent is subject to the personal jurisdiction of the tribunal of  
23 this state; or

24 b. ~~The~~ This state is the residence of the child, or a party who is an individual; is  
25 subject to the personal jurisdiction of the tribunal of this state and all of the  
26 parties who are individuals have filed ~~written~~ consents in a record in the  
27 issuing tribunal for a tribunal of this state to modify the support order and  
28 assume continuing, exclusive jurisdiction ~~over the order. However, if the~~  
29 ~~issuing state is a foreign jurisdiction that has not enacted a law or established~~  
30 ~~procedures substantially similar to the procedures under the Uniform~~  
31 ~~Interstate Family Support Act, the consent otherwise required of an individual~~

- 1                    ~~residing in this state is not required for the tribunal to assume jurisdiction to~~  
2                    ~~modify the child support order.~~
- 3            2.    Modification of a registered child support order is subject to the same  
4                    requirements, procedures, and defenses that apply to the modification of an order  
5                    issued by a tribunal of this state and the order may be enforced and satisfied in the  
6                    same manner.
- 7            3.    A tribunal of this state may not modify any aspect of a child support order that may  
8                    not be modified under the law of the issuing state, including the duration of the  
9                    obligation of support. If two or more tribunals have issued child support orders for  
10                    the same obligor and same child, the order that controls and must be so  
11                    recognized under section 14-12.2-10 establishes the aspects of the support order  
12                    which are nonmodifiable.
- 13            4.    In a proceeding to modify a child support order, the law of the state that is  
14                    determined to have issued the initial controlling order governs the duration of the  
15                    obligation of support. The obligor's fulfillment of the duty of support established by  
16                    that order precludes imposition of a further obligation of support by a tribunal of this  
17                    state.
- 18            5.    On issuance of an order by a tribunal of this state modifying a child support order  
19                    issued in another state, a the tribunal of this state becomes the tribunal having  
20                    continuing, exclusive jurisdiction.
- 21            6.    Without regard to the restrictions on modification of a child support order stated in  
22                    subsection 2 of section 14-12.2-04 and this section, a tribunal of this state retains  
23                    jurisdiction to modify an order issued by a tribunal of this state if:
- 24                    a.    One party resides in another state; and
- 25                    b.    The other party resides outside the United States.

26            **SECTION 52. AMENDMENT.** Section 14-12.2-46 of the North Dakota Century Code is  
27 amended and reenacted as follows:

28            **14-12.2-46. (612) Recognition of order modified in another state.** A If a child  
29 support order issued by a tribunal of this state ~~shall recognize a modification of its earlier child~~  
30 ~~support order~~ is modified by a tribunal of another state which assumed jurisdiction pursuant to

1 the Uniform Interstate Family Support Act ~~or a law substantially similar to this chapter and,~~  
2 ~~upon request, except as otherwise provided in this chapter, shall, a tribunal of this state:~~

- 3 1. ~~Enforce the~~ May enforce its order that was modified only as to amounts arrears  
4 and interest accruing before the modification;
- 5 2. ~~Enforce only nonmodifiable aspects of that order;~~
- 6 3. ~~Provide other~~ May provide appropriate relief ~~only~~ for violations of ~~that~~ its order  
7 which occurred before the effective date of the modification; and
- 8 4. 3. ~~Recognize~~ Shall recognize the modifying order of the other state, upon registration,  
9 for the purpose of enforcement.

10 **SECTION 53. AMENDMENT.** Section 14-12.2-46.1 of the North Dakota Century Code  
11 is amended and reenacted as follows:

12 **14-12.2-46.1. (613) Jurisdiction to modify child support order of another state**  
13 **when individual parties reside in this state.**

- 14 1. If all of the parties who are individuals reside in this state and the child does not  
15 reside in the issuing state, a tribunal of this state has jurisdiction to enforce and to  
16 modify the issuing state's child support order in a proceeding to register that order.
- 17 2. A tribunal of this state exercising jurisdiction under this section shall apply the  
18 provisions of sections 14-12.2-01 through 14-12.2-12, sections 14-12.2-35 through  
19 ~~14-12.2-46.2~~ 14-12.2-46.4, and the procedural and substantive law of this state to  
20 the proceeding for enforcement or modification. Sections 14-12.2-13 through  
21 14-12.2-34 and sections 14-12.2-47, 14-12.2-48, and 14-12.2-49 do not apply.

22 **SECTION 54.** Section 14-12.2-46.3 of the North Dakota Century Code is created and  
23 enacted as follows:

24 **14-12.2-46.3. (615) Jurisdiction to modify child support order of foreign country**  
25 **or political subdivision.**

- 26 1. Except as otherwise provided in section 14-12.2-47.11, if a foreign country lacks or  
27 refuses to exercise jurisdiction to modify its child support order pursuant to its laws,  
28 a tribunal of this state may assume jurisdiction to modify the child support order  
29 and bind all individuals subject to the personal jurisdiction of the tribunal whether or  
30 not the consent to modification of a child support order otherwise required of the

1           individual pursuant to section 14-12.2-45 has been given or whether the individual  
2           seeking modification is a resident of this state or of the foreign country.

3           2. An order issued by a tribunal of this state modifying a foreign child support order  
4           pursuant to this section is the controlling order.

5           **SECTION 55.** Section 14-12.2-46.4 of the North Dakota Century Code is created and  
6 enacted as follows:

7           **14-12.2-46.4. (616) Procedure to register child support order of foreign country**  
8 **for modification.** A party or support enforcement agency seeking to modify, or to modify and  
9 enforce, a foreign child support order not subject to the convention may register that order in  
10 this state as provided in sections 14-12.2-35 through 14-12.2-42 if the order has not been  
11 registered. A petition for modification may be filed at the same time as a request for  
12 registration, or at another time. The petition must specify the grounds for modification.

13           **SECTION 56.** Section 14-12.2-47.1 of the North Dakota Century Code is created and  
14 enacted as follows:

15           **14-12.2-47.1. (701) Definitions.** In sections 14-12.2-47.1 through 14-12.2-47.13:

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

19           2. "Central authority" means the entity designated by a country to perform the  
20 functions specified in the convention.

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

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

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

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

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

1           b. Has been formally drawn up or registered or has been authenticated by, or  
2           concluded, registered, or filed with a foreign tribunal; and

3           c. May be reviewed and modified by a foreign tribunal.

4           7. "United States central authority" means the secretary of the United States  
5           department of health and human services.

6           **SECTION 57.** Section 14-12.2-47.2 of the North Dakota Century Code is created and  
7 enacted as follows:

8           **14-12.2-47.2. (702) Applicability.** Sections 14-12.2-47.1 through 14-12.2-47.13 apply  
9 only to a support proceeding involving a foreign country in which the convention is in force with  
10 respect to the United States. In such a proceeding, if a provision of sections 14-12.2-47.1  
11 through 14-12.2-47.13 is inconsistent with a provision of sections 14-12.2-01 through  
12 14-12.2-46.4, sections 14-12.2-47.1 through 14-12.2-47.13 control.

13           **SECTION 58.** Section 14-12.2-47.3 of the North Dakota Century Code is created and  
14 enacted as follows:

15           **14-12.2-47.3. (703) Relationship of department of human services to United**  
16 **States central authority.** The department of human services of this state is recognized as the  
17 agency designated by the United States central authority to perform specific functions under the  
18 convention.

19           **SECTION 59.** Section 14-12.2-47.4 of the North Dakota Century Code is created and  
20 enacted as follows:

21           **14-12.2-47.4. (704) Initiation by department of human services of support**  
22 **proceeding subject to convention.**

23           1. In a proceeding subject to the convention, the department of human services of  
24 this state shall:

25           a. Transmit and receive applications; and

26           b. Initiate or facilitate the institution of a proceeding regarding an application in a  
27 tribunal of this state.

28           2. The following support proceedings are available to an obligee under the  
29 convention:

30           a. Recognition or recognition and enforcement of a foreign support order;

31           b. Enforcement of a support order issued or recognized in this state;

- 1           c. Establishment of a support order if there is no existing order, including, where
- 2                     necessary, determination of parentage;
- 3           d. Establishment of a support order if recognition of a foreign support order is
- 4                     refused under subsection 2, 4, or 9 of section 14-12.2-47.8;
- 5           e. Modification of a support order of a tribunal of this state; and
- 6           f. Modification of a support order of a tribunal of another state or foreign country.
- 7        3. The following support proceedings are available under the convention to an obligor
- 8                     against whom there is an existing support order:
- 9           a. Recognition of an order suspending or limiting enforcement of an existing
- 10                    support order of a tribunal of this state;
- 11           b. Modification of a support order of a tribunal of this state; and
- 12           c. Modification of a support order of a tribunal of another state or foreign country.
- 13        4. A tribunal of this state may not require security, bond, or deposit, however
- 14                     described, to guarantee the payment of costs and expenses in proceedings under
- 15                     the convention.

16           **SECTION 60.** Section 14-12.2-47.5 of the North Dakota Century Code is created and  
17 enacted as follows:

18           **14-12.2-47.5. (705) Direct request.**

- 19        1. A petitioner may file a direct request in a tribunal of this state seeking the
- 20                     establishment or modification of a support order or determination of parentage. In
- 21                     such a proceeding, the law of this state applies.
- 22        2. A petitioner may file a direct request in a tribunal of this state seeking the
- 23                     recognition and enforcement of a support order or support agreement. In such a
- 24                     proceeding, the provisions of sections 14-12.2-47.6 through 14-12.2-47.13 apply.
- 25        3. In a direct request for recognition and enforcement of a convention support order
- 26                     or foreign support agreement:
- 27           a. No security, bond, or deposit shall be required to guarantee the payment of
- 28                     costs and expenses related to the proceedings; and
- 29           b. The obligee or obligor, who in the issuing country has benefited from free
- 30                     legal assistance, shall be entitled to benefit, at least to the same extent, from

1                   any free legal assistance provided for by the law of this state under the same  
2                   circumstances.

3           4.   An individual filing directly with a tribunal will not receive assistance from the  
4           department of human services.

5           5.   Nothing in sections 14-12.2-47.1 through 14-12.2-47.13 prevents the application of  
6           laws of this state that provide simplified, more expeditious rules regarding a direct  
7           request for recognition and enforcement of a foreign support order or support  
8           agreement.

9           **SECTION 61.** Section 14-12.2-47.6 of the North Dakota Century Code is created and  
10 enacted as follows:

11           **14-12.2-47.6. (706) Registration of convention support order.**

12           1.   Except as otherwise provided in sections 14-12.2-47.1 through 14-12.2-47.13, a  
13           party who is an individual or a support enforcement agency seeking recognition of  
14           a convention support order shall register the order in this state as provided in  
15           sections 14-12.2-35 through 14-12.2-46.4.

16           2.   Notwithstanding section 14-12.2-23 and subsection 1 of section 14-12.2-36, a  
17           request for registration of a convention support order must be accompanied by:

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

21           b.   A record stating that the support order is enforceable in the issuing country;

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

28           d.   A record showing the amount of arrears, if any, and the date the amount was  
29           calculated;

- 1           e. A record showing a requirement for automatic adjustment of the amount of  
2                   support, if any, and the information necessary to make the appropriate  
3                   calculations; and
- 4           f. If necessary, a record showing the extent to which the applicant received free  
5                   legal assistance in the issuing country.
- 6           3. A request for registration of a convention support order may seek recognition and  
7                   partial enforcement of the order.
- 8           4. A tribunal of this state may vacate the registration of a convention support order on  
9                   its own motion, without the filing of a contest under section 14-12.2-47.7 only if the  
10                   tribunal finds that recognition and enforcement of the order would be manifestly  
11                   incompatible with public policy.
- 12           5. The tribunal shall promptly notify the parties of the registration or the order vacating  
13                   the registration of a convention support order.

14           **SECTION 62.** Section 14-12.2-47.7 of the North Dakota Century Code is created and  
15 enacted as follows:

16           **14-12.2-47.7. (707) Contest of registered convention support order.**

- 17           1. Except as otherwise provided in sections 14-12.2-47.1 through 14-12.2-47.13,  
18                   sections 14-12.2-39 through 14-12.2-42 apply to a contest of a registered  
19                   convention support order.
- 20           2. A party contesting a registered convention support order must file a contest within  
21                   thirty days after notice of the registration unless the contesting party does not  
22                   reside in the United States, in which case the contest must be filed within sixty  
23                   days after notice.
- 24           3. If the nonregistering party fails to contest the registered convention support order in  
25                   a timely manner, the order is enforceable by operation of law.
- 26           4. A contest of a registered convention support order may be based only on grounds  
27                   set forth in section 14-12.2-47.8, and the contesting party bears the burden of  
28                   proof.
- 29           5. In a contest of a registered convention support order, a tribunal of this state:  
30                   a. Is bound by the findings of fact on which the foreign tribunal based its  
31                   jurisdiction; and

- 1            b. May not review the merits of the support order.
- 2            6. A tribunal of this state deciding a contest of a registered convention support order  
3            shall promptly notify the parties of its decision.
- 4            7. An appeal, if any, does not stay the enforcement of a convention support order  
5            unless there are exceptional circumstances.

6            **SECTION 63.** Section 14-12.2-47.8 of the North Dakota Century Code is created and  
7 enacted as follows:

8            **14-12.2-47.8. (708) Refusal of recognition and enforcement of registered**  
9 **convention support order.** A tribunal of this state may refuse recognition and enforcement of  
10 a registered convention support order only on the following grounds:

- 11            1. Recognition and enforcement of the order is manifestly incompatible with public  
12            policy, including the failure of the issuing tribunal to observe minimum standards of  
13            due process, which include notice and an opportunity to be heard;
- 14            2. The issuing tribunal lacked personal jurisdiction consistent with section 14-12.2-04;
- 15            3. The order is not enforceable in the issuing country;
- 16            4. The order was obtained by fraud in connection with a matter of procedure;
- 17            5. A record transmitted in accordance with section 14-12.2-47.6 lacks authenticity or  
18            integrity;
- 19            6. A proceeding between the same parties and having the same purpose is pending  
20            before a tribunal of this state and that proceeding was the first to be filed;
- 21            7. The order is incompatible with a more recent support order involving the same  
22            parties and having the same purpose if the more recent support order is entitled to  
23            recognition and enforcement in this state;
- 24            8. Payment, to the extent alleged arrears have been paid in whole or in part;
- 25            9. In a case in which the respondent neither appeared nor was represented in the  
26            proceeding in the issuing foreign country when the law of that country:
- 27            a. Provides for prior notice of proceedings, the respondent did not have proper  
28            notice of the proceedings and an opportunity to be heard; or
- 29            b. Does not provide for prior notice of the proceedings, the respondent did not  
30            have proper notice of the order and an opportunity to be heard in a challenge  
31            or appeal on fact or law before a tribunal; or

1           10.   The order was made in violation of section 14-12.2-47.11.

2           **SECTION 64.** Section 14-12.2-47.9 of the North Dakota Century Code is created and  
3 enacted as follows:

4           **14-12.2-47.9. (709) Partial enforcement - New support order.**

5           1.   If a tribunal of this state may not recognize and enforce the whole of a convention  
6           support order, it shall enforce any severable part of the order. An application or  
7           direct request may seek recognition and partial enforcement of a convention  
8           support order.

9           2.   If a tribunal of this state may not recognize a convention support order under  
10           subsection 2, 4, or 9 of section 14-12.2-47.8:

11           a.   The tribunal may not dismiss proceeding without allowing a reasonable time  
12           for a party to request the establishment of a new support order;

13           b.   The department of human services shall take all appropriate measures to  
14           request a child support order for the obligee if the application for recognition  
15           and enforcement was received under section 14-12.2-47.4.

16           **SECTION 65.** Section 14-12.2-47.10 of the North Dakota Century Code is created and  
17 enacted as follows:

18           **14-12.2-47.10. (710) Foreign support agreement.**

19           1.   Except as provided in subsections 3 and 4, a tribunal of this state shall recognize  
20           and enforce a foreign support agreement registered in this state.

21           2.   An application or direct request for recognition and enforcement of a foreign  
22           support agreement shall be accompanied by:

23           a.   A complete text of the foreign support agreement; and

24           b.   A record stating that the foreign support agreement is enforceable as a  
25           decision in the issuing country.

26           3.   A tribunal of this state may vacate the registration of a foreign support agreement  
27           only if, acting on its own motion, the tribunal finds that recognition and enforcement  
28           would be manifestly incompatible with public policy.

29           4.   In a contest of a foreign support agreement, a tribunal of this state may refuse  
30           recognition and enforcement of the agreement if it finds:

- 1           a. Recognition and enforcement of the agreement is manifestly incompatible
- 2           with public policy;
- 3           b. The agreement was obtained by fraud or falsification;
- 4           c. The agreement is incompatible with a support order involving the same
- 5           parties and having the same purpose, either in this state, another state, or a
- 6           foreign country if the support order is entitled to recognition in this state; or
- 7           d. The record submitted under subsection 2 lacks authenticity or integrity.
- 8        5. A proceeding for recognition and enforcement of a foreign support agreement shall
- 9           be suspended during the pendency of a challenge to the agreement before a
- 10           tribunal of another state or foreign country.

11        **SECTION 66.** Section 14-12.2-47.11 of the North Dakota Century Code is created and  
12 enacted as follows:

13        **14-12.2-47.11. (711) Modification of child support order subject to convention.**

- 14        1. A tribunal of this state may not modify a child support order subject to the
- 15           convention if the obligee remains a resident of the foreign country where the
- 16           support order was issued unless:
  - 17           a. The obligee submits to the jurisdiction of a tribunal of this state, either
  - 18           expressly or by defending on the merits of the case without objecting to the
  - 19           jurisdiction at the first available opportunity; or
  - 20           b. The foreign tribunal lacks or refuses to exercise jurisdiction to modify its
  - 21           support order or issue a new support order.
- 22        2. If a tribunal of this state may not modify the child support order subject to the
- 23           convention because the order may not be recognized in this state, subdivision a of
- 24           subsection 2 of section 14-12.2-47.9 applies.

25        **SECTION 67.** Section 14-12.2-47.12 of the North Dakota Century Code is created and  
26 enacted as follows:

27        **14-12.2-47.12. (712) Personal information - Limit on use.** Personal information  
28 gathered or transmitted under sections 14-12.2-47.1 through 14-12.2-47.13 may be used only  
29 for the purposes for which it was gathered or transmitted.

30        **SECTION 68.** Section 14-12.2-47.13 of the North Dakota Century Code is created and  
31 enacted as follows:

1           **14-12.2-47.13. (713) English translation required.** A record filed with a tribunal of  
2 this state under sections 14-12.2-47.1 through 14-12.2-47.13 must be in the original language  
3 and, if necessary, must be accompanied by an English translation.

4           **SECTION 69. AMENDMENT.** Section 14-12.2-48 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6           **14-12.2-48. (801) Grounds for rendition.**

- 7           1. For purposes of sections 14-12.2-48 and 14-12.2-49, "governor" includes an  
8 individual performing the functions of governor or the executive authority of a state  
9 covered by this chapter.
- 10          2. The governor of this state may:
- 11           a. Demand that the governor of another state surrender an individual found in  
12 the other state who is charged criminally in this state with having failed to  
13 provide for the support of an obligee; or
- 14           b. On the demand ~~by~~ of the governor of another state, surrender an individual  
15 found in this state who is charged criminally in the other state with having  
16 failed to provide for the support of an obligee.
- 17          3. A provision for extradition of individuals not inconsistent with this chapter applies to  
18 the demand even if the individual whose surrender is demanded was not in the  
19 demanding state when the crime was allegedly committed and has not fled  
20 therefrom.

21           **SECTION 70. AMENDMENT.** Section 14-12.2-49 of the North Dakota Century Code is  
22 amended and reenacted as follows:

23           **14-12.2-49. (802) Conditions of rendition.**

- 24          1. Before making a demand that the governor of another state surrender an individual  
25 charged criminally in this state with having failed to provide for the support of an  
26 obligee, the governor of this state may require a prosecutor of this state to  
27 demonstrate that at least sixty days previously the obligee had initiated  
28 proceedings for support pursuant to this chapter or that the proceeding would be of  
29 no avail.
- 30          2. If, under this chapter or a law substantially similar to this chapter, the ~~Uniform~~  
31 ~~Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal~~

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

9           3. If a proceeding for support has been initiated and the individual whose rendition is  
10          demanded prevails, the governor may decline to honor the demand. If the  
11          petitioner prevails and the individual whose rendition is demanded is subject to a  
12          support order, the governor may decline to honor the demand if the individual is  
13          complying with the support order.

14          **SECTION 71. REPEAL.** Section 14-12.2-47 of the North Dakota Century Code is  
15          repealed.

16          **SECTION 72. APPLICATION.** This Act applies to a proceeding commenced on or  
17          after the effective date to establish a support order or determine parentage or to register,  
18          recognize, enforce, or modify a prior order or agreement, whether issued or entered into before,  
19          on, or after the effective date.

20          **SECTION 73. CONTINGENT EFFECTIVE DATE.** This Act becomes effective on the  
21          date the department of human services certifies to the legislative council that the Hague  
22          convention on the international recovery of child support and other forms of family maintenance  
23          is ratified and that the United States deposited its instrument of ratification.