

SENATE BILL NO. 77—SENATORS CARE AND AMODEI

FEBRUARY 12, 2007

JOINT SPONSOR: ASSEMBLYMAN HORNE

Referred to Committee on Judiciary

SUMMARY—Amends the Uniform Interstate Family Support Act.
(BDR 11-755)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

AN ACT relating to support; amending the Uniform Interstate Family Support Act; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, Nevada has enacted the Uniform Interstate Family Support Act. (NRS 130.0902-130.802) The Uniform Act establishes the procedures and jurisdictional requirements regarding the issuance, enforcement and modification of interstate child-support and spousal-support orders. Because the United States Congress has made the enactment of the Uniform Interstate Family Support Act a condition for states to receive federal funding for child support enforcement efforts, every jurisdiction in the United States has enacted the Uniform Act. This bill amends the Uniform Act by reorganizing, updating and revising various provisions to ensure that Nevada law remains consistent with the law of those other jurisdictions.

Section 4 of this bill clarifies existing provisions regarding discovery in interstate support proceedings involving a nonresident so that a tribunal of this State may receive evidence from, communicate with and obtain discovery through a tribunal of another state, including a foreign country whose support order is being recognized on the basis of comity.

Section 5 of this bill moves existing provisions regarding modification and enforcement of interstate spousal-support orders to a separate section of the Uniform Act in recognition of the fact that spousal-support orders and child-support orders are subject to different procedures and standards concerning modification and enforcement.



Section 6 of this bill authorizes a tribunal of this State with jurisdiction over the parties to modify an interstate support order issued by a tribunal of a foreign country if that tribunal is no longer willing or able to modify the order under the laws of the foreign country.

Sections 7-54 of this bill revise and clarify various powers, duties and procedures under the Uniform Act, including: (1) how a party may register and seek enforcement of an interstate support order; (2) when a tribunal may exercise personal jurisdiction over a nonresident; (3) when a tribunal may exercise subject matter jurisdiction over an interstate support order issued by a tribunal of a foreign country; (4) when a tribunal must recognize an interstate support order as the controlling support order; (5) when a tribunal may modify or enforce an interstate support order; (6) when a tribunal may determine parentage in an interstate support proceeding; (7) when a tribunal may retain jurisdiction over an interstate support order after the parties have moved to other jurisdictions; (8) when a tribunal must protect identifying information; (9) when a party may challenge the jurisdiction of a tribunal or the validity of an interstate support order; and (10) when a support-enforcement agency must assist a party in the enforcement of an interstate support order.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 130 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. *“Person” means a natural person, corporation, business trust, estate, trust, partnership, limited-liability company, association, joint venture, government or governmental subdivision, agency or instrumentality, public corporation or any other legal or commercial entity.*

Sec. 3. *“Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.*

Sec. 4. *A tribunal of this State exercising personal jurisdiction over a nonresident in a proceeding under this chapter or under other law of this State relating to a support order or in a proceeding recognizing a support order of a foreign country or political subdivision on the basis of comity may receive evidence from another state pursuant to NRS 130.316, communicate with a tribunal of another state pursuant to NRS 130.317 and obtain discovery through a tribunal of another state pursuant to NRS 130.318. In all other respects, NRS 130.301 to 130.701, inclusive, do not apply and the tribunal shall apply the procedural and substantive law of this State.*

Sec. 5. 1. *A tribunal of this State issuing a spousal-support order consistent with the law of this State has continuing and*



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1 *exclusive jurisdiction to modify the spousal-support order*
2 *throughout the existence of the support obligation.*

3 2. *A tribunal of this State may not modify a spousal-support*
4 *order issued by a tribunal of another state having continuing and*
5 *exclusive jurisdiction over that order under the law of that state.*

6 3. *A tribunal of this State that has continuing and exclusive*
7 *jurisdiction over a spousal-support order may serve as:*

8 (a) *An initiating tribunal to request a tribunal of another state*
9 *to enforce the spousal-support order issued in this State; or*

10 (b) *A responding tribunal to enforce or modify its own*
11 *spousal-support order.*

12 **Sec. 6. 1.** *If a foreign country or political subdivision that*
13 *is a state will not or may not modify its order pursuant to its laws,*
14 *a tribunal of this State may assume jurisdiction to modify the*
15 *child-support order and bind all natural persons subject to the*
16 *personal jurisdiction of the tribunal whether or not the consent to*
17 *modification of a child-support order otherwise required of the*
18 *natural person pursuant to NRS 130.611 has been given or*
19 *whether the natural person seeking modification is a resident of*
20 *this State or of the foreign country or political subdivision.*

21 2. *An order issued pursuant to this section is the controlling*
22 *order.*

23 **Sec. 7.** NRS 130.035 is hereby amended to read as follows:

24 130.035 1. When the Attorney General is satisfied that
25 reciprocal provisions will be made by any foreign ~~jurisdiction~~
26 *country or political subdivision* for the enforcement therein of
27 support orders made within this State, the Attorney General may
28 declare the foreign ~~jurisdiction~~ *country or political subdivision* to
29 be a state for the purpose of this chapter. Any such declaration may
30 be revoked by the Attorney General. *The Attorney General may*
31 *take appropriate action to provide notification of any such*
32 *declaration or revocation.*

33 2. As used in this section, “foreign ~~jurisdiction~~” *country or*
34 *political subdivision*” means a foreign sovereign nation or a
35 political subdivision thereof.

36 **Sec. 8.** NRS 130.0904 is hereby amended to read as follows:

37 130.0904 ~~[The]~~ *In applying and construing the* Uniform
38 Interstate Family Support Act ~~[must be applied and construed to~~
39 ~~effectuate its general purpose to make uniform]~~ , *consideration*
40 *must be given to the need to promote uniformity of* the law with
41 respect to ~~[the subject of that Act]~~ *its subject matter* among states
42 ~~[enacting]~~ *that enact* it.

43 **Sec. 9.** NRS 130.10131 is hereby amended to read as follows:

44 130.10131 “Initiating state” means a state from which a
45 proceeding is forwarded or in which a proceeding is filed for



1 forwarding to a responding state under the Uniform Interstate
2 Family Support Act or a law or procedure substantially similar to
3 that ~~[Act, the Uniform Reciprocal Enforcement of Support Act or~~
4 ~~the Revised Uniform Reciprocal Enforcement of Support]~~ Act.

5 **Sec. 10.** NRS 130.10167 is hereby amended to read as
6 follows:

7 130.10167 "Responding state" means a state in which a
8 proceeding is filed or to which a proceeding is forwarded for filing
9 from an initiating state under the Uniform Interstate Family Support
10 Act or a law or procedure substantially similar to that ~~[Act, the~~
11 ~~Uniform Reciprocal Enforcement of Support Act or the Revised~~
12 ~~Uniform Reciprocal Enforcement of Support]~~ Act.

13 **Sec. 11.** NRS 130.10179 is hereby amended to read as
14 follows:

15 130.10179 "State" means a state of the United States, the
16 District of Columbia, Puerto Rico, the United States Virgin Islands
17 or any territory or insular possession subject to the jurisdiction of
18 the United States. The term includes:

19 1. An Indian tribe; and

20 2. A foreign ~~[jurisdiction]~~ *country or political subdivision* that:

21 (a) Has enacted a law or established procedures for the issuance
22 and enforcement of support orders which are substantially similar to
23 the procedures established under the Uniform Interstate Family
24 Support ~~[Act, the Uniform Reciprocal Enforcement of Support Act~~
25 ~~or the Revised Uniform Reciprocal Enforcement of Support]~~ Act;

26 (b) Is declared to be a foreign reciprocating country *or political*
27 *subdivision* pursuant to 42 U.S.C. § 659a; or

28 (c) Is declared to be a state pursuant to NRS 130.035.

29 **Sec. 12.** NRS 130.10183 is hereby amended to read as
30 follows:

31 130.10183 "Support-enforcement agency" means a public
32 official or agency authorized to ~~[-~~

33 ~~1. Seek the]~~ *seek:*

34 *1. The* enforcement of support orders or laws relating to the
35 duty of support;

36 ~~[-~~ *2. [Seek the] The* establishment or modification of child
37 support;

38 ~~[-~~ *3. [Seek a] A* determination of parentage; ~~[-~~

39 ~~4. Locate]~~

40 *4. The location of* obligors or their assets ~~[-]~~ *; or*

41 *5. A determination of the controlling child-support order.*

42 **Sec. 13.** NRS 130.10187 is hereby amended to read as
43 follows:

44 130.10187 "Support order" means a judgment, decree ~~[-~~
45 ~~order,]~~ *, order or directive*, whether temporary, final or subject to



1 modification, *issued by a tribunal* for the benefit of a child, spouse
2 or former spouse, which provides for monetary support, health care,
3 arrearages or reimbursement and may include related costs and fees,
4 interest, the withholding of income, attorney's fees and other relief.

5 **Sec. 14.** NRS 130.103 is hereby amended to read as follows:

6 130.103 **1.** Remedies provided by this chapter are cumulative
7 and do not affect the availability of remedies under other law ~~[1]~~,
8 *including the recognition of a support order of a foreign country*
9 *or political subdivision on the basis of comity.*

10 **2.** *This chapter does not:*

11 (a) *Provide the exclusive method of establishing or enforcing a*
12 *support order under the law of this State; or*

13 (b) *Grant a tribunal of this State jurisdiction to render*
14 *judgment or issue an order relating to child custody or visitation*
15 *in a proceeding under this chapter.*

16 **Sec. 15.** NRS 130.201 is hereby amended to read as follows:

17 130.201 **1.** In a proceeding to establish ~~[1, enforce or modify]~~
18 *or enforce* a support order or to determine parentage, a tribunal of
19 this State may exercise personal jurisdiction over a nonresident if:

20 ~~[1-1]~~ (a) He is personally served with a summons or other notice
21 of the proceeding within this State;

22 ~~[2-1]~~ (b) He submits to the jurisdiction of this State by consent ~~[1]~~
23 *in a record*, by entering a general appearance or by filing a
24 responsive document having the effect of waiving any contest to
25 personal jurisdiction;

26 ~~[3-1]~~ (c) He resided with the child in this State;

27 ~~[4-1]~~ (d) He resided in this State and provided prenatal expenses
28 or support for the child;

29 ~~[5-1]~~ (e) The child resides in this State as a result of the acts or
30 directives of the nonresident;

31 ~~[6-1]~~ (f) He engaged in sexual intercourse in this State, and the
32 child may have been conceived by that act of intercourse; or

33 ~~[7-1]~~ (g) There is any other basis consistent with the Constitution
34 of this State and the Constitution of the United States for the
35 exercise of personal jurisdiction.

36 **2.** *The bases of personal jurisdiction set forth in subsection 1*
37 *or in any other law of this State may not be used to acquire*
38 *personal jurisdiction for a tribunal of the State to modify a child*
39 *support order of another state unless the requirements of NRS*
40 *130.611 or section 6 of this act are met.*

41 **Sec. 16.** NRS 130.202 is hereby amended to read as follows:

42 130.202 ~~[A]~~ *Personal jurisdiction acquired by a* tribunal of
43 this State ~~[exercising personal jurisdiction over a nonresident under~~
44 ~~NRS 130.201 may apply NRS 130.316 to receive evidence from~~
45 ~~another state and NRS 130.318 to obtain discovery through a~~



~~tribunal of another state. In all other respects, NRS 130.301 to 130.701, inclusive, do not apply and the tribunal shall apply the procedural and substantive law of this State, including the rules on choice of law other than those established by this chapter.] in a proceeding under this chapter or other law of this State relating to a support order continues as long as a tribunal of this State has continuing and exclusive jurisdiction to modify its order or continuing jurisdiction to enforce its order as provided by NRS 130.205 and 130.206 and section 5 of this act.~~

Sec. 17. NRS 130.205 is hereby amended to read as follows:

130.205 1. A tribunal of this State ~~[issuing a support]~~ *that has issued a child-support* order consistent with the law of this State has *and shall exercise* continuing and exclusive jurisdiction ~~[over a]~~ *to modify its* child-support order ~~[:] if the order is the controlling order and:~~

(a) ~~[As long as this State remains]~~ *At the time of the filing of a request for modification, this State is* the residence of the obligor, the ~~[individual]~~ obligee *who is a natural person* or the child for whose benefit the support order is issued; or

(b) ~~[Until all of the parties who are natural persons have filed written consents with the tribunal of this State for a tribunal of another state to modify the order and assume continuing and exclusive jurisdiction.] Even if this State is not the residence of the obligor, the obligee who is a natural person or the child for whose benefit the support order is issued, the parties consent in a record or in open court that the tribunal of this State may continue to exercise jurisdiction to modify its order.~~

2. A tribunal of this State ~~[issuing]~~ *that has issued* a child-support order consistent with the law of this State may not exercise ~~[its]~~ continuing *and exclusive* jurisdiction to modify ~~[the] its child-support~~ order if ~~[the order has been modified by a tribunal of another state pursuant to the Uniform Interstate Family Support Act or a law substantially similar to that Act.~~

~~—3.— If a child support order of this State is modified by a tribunal of another state pursuant to the Uniform Interstate Family Support Act or a law substantially similar to that Act, a tribunal of this State loses its continuing and exclusive jurisdiction with regard to prospective enforcement of the order issued in this State and may only:~~

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

~~—(b) Enforce aspects of that order that may not be modified; and~~

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



~~4. A tribunal of this State shall recognize the continuing and exclusive jurisdiction of~~ :

(a) All of the parties who are natural persons file consent in a record with the tribunal of this State that a tribunal of another state that has jurisdiction over at least one of the parties who is a natural person or that is located in the state of residence of the child may modify the order and assume continuing and exclusive jurisdiction; or

(b) Its order is not the controlling order.

3. *If a tribunal of another state ~~[that]~~ has issued a child-support order pursuant to the Uniform Interstate Family Support Act or a law substantially similar to that Act ~~[]~~ which modifies a child-support order of a tribunal of this State, tribunals of this State shall recognize the continuing and exclusive jurisdiction of the tribunal of the other state.*

4. *A tribunal of this State that lacks continuing and exclusive jurisdiction to modify a child-support order may serve as an initiating tribunal to request a tribunal of another state to modify a support order issued in that state.*

5. A temporary support order issued ex parte or pending resolution of a jurisdictional conflict does not create continuing and exclusive jurisdiction in the issuing tribunal.

~~[6. A tribunal of this State issuing a support order consistent with the law of this State has continuing and exclusive jurisdiction over a spousal support order throughout the existence of the support obligation. A tribunal of this State may not modify a spousal support order issued by a tribunal of another state having continuing and exclusive jurisdiction over that order under the law of that state.]~~

Sec. 18. NRS 130.206 is hereby amended to read as follows:

130.206 1. A tribunal of this State *that has issued a child-support order consistent with the law of this State* may serve as an initiating tribunal to request a tribunal of another state to enforce ~~[or modify a support order issued in that state.]~~ :

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

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

2. A tribunal of this State having continuing ~~[and exclusive]~~ jurisdiction over a support order may act as a responding tribunal to enforce ~~[or modify]~~ the order. ~~[If a party subject to the continuing and exclusive jurisdiction of the tribunal no longer resides in the~~



1 ~~issuing state, in subsequent proceedings the tribunal may apply NRS~~
2 ~~130.316 to receive evidence from another state and NRS 130.318 to~~
3 ~~obtain discovery through a tribunal of another state.~~

4 ~~—3.— A tribunal of this State which lacks continuing and exclusive~~
5 ~~jurisdiction over a spousal support order may not serve as a~~
6 ~~responding tribunal to modify a spousal support order of another~~
7 ~~state.]~~

8 **Sec. 19.** NRS 130.207 is hereby amended to read as follows:

9 130.207 1. If a proceeding is brought under this chapter and
10 only one tribunal has issued a child-support order, the order of that
11 tribunal controls and must be so recognized.

12 2. If a proceeding is brought under this chapter and two or
13 more child-support orders have been issued by tribunals of this State
14 or another state with regard to the same obligor and *same* child, a
15 tribunal of this State *having personal jurisdiction over both the*
16 *obligor and obligee who is a natural person* shall apply the
17 following rules ~~[in determining]~~ *and by order shall determine*
18 which *child-support* order ~~[to recognize for purposes of continuing~~
19 ~~and exclusive jurisdiction:] controls:~~

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

23 (b) If more than one of the tribunals would have continuing and
24 exclusive jurisdiction under this chapter, an order issued by a
25 tribunal in the current home state of the child controls, ~~[and must be~~
26 ~~so recognized,]~~ but if an order has not been issued in the current
27 home state of the child, the order most recently issued controls .
28 ~~[and must be so recognized.]~~

29 (c) If none of the tribunals would have continuing and exclusive
30 jurisdiction under this chapter, the tribunal of this State ~~[having~~
31 ~~jurisdiction over the parties]~~ shall issue a child-support order which
32 controls . ~~[and must be so recognized.]~~

33 3. If two or more child-support orders have been issued for the
34 same obligor and *same* child ~~[and if the obligor or the individual~~
35 ~~obligee resides in this State,]~~ *upon request of* a party ~~[may request]~~
36 *who is a natural person or a support-enforcement agency,* a
37 tribunal of this State ~~[to]~~ *having personal jurisdiction over both the*
38 *obligor and the obligee who is a natural person shall* determine
39 which order controls ~~[and must be so recognized]~~ under
40 subsection 2. The request ~~[must be accompanied by a certified copy~~
41 ~~of every support order in effect. The requesting party shall give~~
42 ~~notice of the request to each party whose rights may be affected by~~
43 ~~the determination.]~~ *may be filed with a registration for*
44 *enforcement or registration for modification pursuant to NRS*



1 *130.601 to 130.614, inclusive, and section 6 of this act or may be*
2 *filed as a separate proceeding.*

3 4. *A request to determine which is the controlling order must*
4 *be accompanied by a copy of every child-support order in effect*
5 *and the applicable record of payments. The requesting party shall*
6 *give notice of the request to each party whose rights may be*
7 *affected by the determination.*

8 5. The tribunal that issued the controlling order under
9 subsection 1, 2 or 3 ~~is the tribunal that~~ has continuing ~~and~~
10 ~~exclusive jurisdiction under NRS 130.205.~~

11 ~~—5.]~~ *jurisdiction to the extent provided in NRS 130.205 or*
12 *130.206.*

13 6. A tribunal of this State ~~[which]~~ *that* determines by order ~~the~~
14 ~~identity of]~~ *which is* the controlling order under paragraph (a) or (b)
15 of subsection 2 or ~~[which]~~ *subsection 3 or that* issues a new
16 controlling order under paragraph (c) of subsection 2 shall state in
17 that order ~~[the]~~ :

18 (a) *The* basis upon which the tribunal made its determination ~~is~~
19 ~~—6.]~~;

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

21 (c) *The total amount of consolidated arrears and accrued*
22 *interest, if any, under all of the orders after all payments made are*
23 *credited as provided by NRS 130.209.*

24 7. Within 90 days after issuance of an order determining ~~the~~
25 ~~identity of]~~ *which is* the controlling order, the party obtaining the
26 order shall file a certified copy of it ~~[with]~~ *in* each tribunal that
27 issued or registered an earlier order of child support. A party ~~[who~~
28 ~~obtains]~~ *or support-enforcement agency obtaining* the order ~~[and]~~
29 *that* fails to file a certified copy is subject to appropriate sanctions
30 by a tribunal in which the issue of failure to file arises. The failure to
31 file does not affect the validity or enforceability of the controlling
32 order.

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

37 **Sec. 20.** NRS 130.208 is hereby amended to read as follows:

38 130.208 In responding to ~~[multiple]~~ registrations or petitions
39 for the enforcement of two or more child-support orders in effect at
40 the same time with regard to the same obligor and different
41 ~~[individual obligees,]~~ *obligees who are natural persons*, at least one
42 of which was issued by a tribunal of another state, a tribunal of this
43 State shall enforce those orders in the same manner as if the
44 ~~[multiple]~~ orders had been issued by a tribunal of this State.



Sec. 21. NRS 130.209 is hereby amended to read as follows:

130.209 ~~[Amounts collected and credited]~~ *A tribunal of this State shall credit amounts collected* for a particular period pursuant to ~~[a support]~~ *any child-support* order *against the amounts owed for the same period under any other child-support order for support of the same child* issued by a tribunal of *this or* another state. ~~[must be credited against the amounts accruing or accrued for the same period under a support order issued by a tribunal of this State.]~~

Sec. 22. NRS 130.301 is hereby amended to read as follows:

130.301 1. Except as otherwise provided in this chapter, NRS 130.301 to 130.319, inclusive, apply to all proceedings under the Uniform Interstate Family Support Act.

2. ~~[The Uniform Interstate Family Support Act provides for the following proceedings:~~

~~—(a) The establishment of an order for spousal support or child support pursuant to NRS 130.401;~~

~~—(b) The enforcement of a support order and income withholding order of another state without registration pursuant to NRS 130.501 to 130.507, inclusive;~~

~~—(c) The registration of an order for spousal support or child support of another state for enforcement pursuant to NRS 130.601 to 130.614, inclusive;~~

~~—(d) The modification of an order for child support or spousal support issued by a tribunal of this State pursuant to NRS 130.203 to 130.206, inclusive;~~

~~—(e) The registration of an order for child support of another state for modification pursuant to NRS 130.601 to 130.614, inclusive;~~

~~—(f) The determination of parentage pursuant to NRS 130.701; and~~

~~—(g) The assertion of jurisdiction over nonresidents pursuant to NRS 130.201 and 130.202.~~

~~3. An individual]~~ A petitioner *who is a natural person* or a support-enforcement agency may ~~[commence]~~ *initiate* a proceeding authorized under this chapter by filing a petition in an initiating tribunal for forwarding to a responding tribunal or by filing a petition or a comparable pleading directly in a tribunal of another state which has or can obtain personal jurisdiction over the respondent.

Sec. 23. NRS 130.303 is hereby amended to read as follows:

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

1. Shall apply the procedural and substantive law ~~[, including the rules on choice of law,]~~



1 proceedings originating in this State and may exercise all powers
2 and provide all remedies available in those proceedings; and

3 2. Shall determine the duty of support and the amount payable
4 in accordance with the law of this State.

5 **Sec. 24.** NRS 130.304 is hereby amended to read as follows:

6 130.304 1. Upon the filing of a petition authorized by this
7 chapter, an initiating tribunal of this State shall forward ~~three~~
8 ~~copies of~~ the petition and its accompanying documents:

9 (a) To the responding tribunal or appropriate support-
10 enforcement agency in the responding state; or

11 (b) If the identity of the responding tribunal is unknown, to the
12 state information agency of the responding state with a request that
13 they be forwarded to the appropriate tribunal and that receipt be
14 acknowledged.

15 2. If ~~if a responding state has not enacted the Uniform Interstate~~
16 ~~Family Support Act or a law or procedure substantially similar to~~
17 ~~that Act,~~ *requested by the responding tribunal,* a tribunal of this
18 State ~~may~~ *shall* issue a certificate or other document and make
19 findings required by the law of the responding state. If the
20 responding state is a foreign ~~jurisdiction,~~ *country or political*
21 *subdivision, upon request* the tribunal ~~may~~ *shall* specify the
22 amount of support sought ~~and~~ *, convert that amount into the*
23 *equivalent amount in the foreign currency under the applicable*
24 *official or market exchange rate as publicly reported and* provide
25 *any* other documents necessary to satisfy the requirements of the
26 responding state.

27 **Sec. 25.** NRS 130.305 is hereby amended to read as follows:

28 130.305 1. When a responding tribunal of this State receives
29 a petition or comparable pleading from an initiating tribunal or
30 directly pursuant to subsection ~~3~~ *2* of NRS 130.301, it shall cause
31 the petition or pleading to be filed and notify the petitioner where
32 and when it was filed.

33 2. A responding tribunal of this State, to the extent ~~otherwise~~
34 ~~authorized~~ *not prohibited* by *other* law, may do one or more of the
35 following:

36 (a) Issue or enforce a support order, modify a child-support
37 order *, determine the controlling child-support order* or ~~render a~~
38 ~~judgment to~~ determine parentage;

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

41 (c) Order the withholding of income;

42 (d) Determine the amount of any arrearages and specify a
43 method of payment;

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

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



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

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

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

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

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

(l) Grant any other available remedy.

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

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

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

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

Sec. 26. NRS 130.306 is hereby amended to read as follows:

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

Sec. 27. NRS 130.307 is hereby amended to read as follows:

130.307 1. A support-enforcement agency of this State, upon request, shall provide services to a petitioner in a proceeding under this chapter.

2. A support-enforcement agency *of this State* that is providing services to the petitioner ~~[as appropriate]~~ shall:

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

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



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

(d) Within 5 days, exclusive of Saturdays, Sundays and legal holidays, after receipt of ~~{a-written}~~ notice *in a record* from an initiating, responding or registering tribunal, send a copy of the notice to the petitioner;

(e) Within 5 days, exclusive of Saturdays, Sundays and legal holidays, after receipt of ~~{a-written}~~ communication *in a record* from the respondent or his attorney, send a copy of the communication to the petitioner; and

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

3. *A support-enforcement agency of this State that requests registration of a child-support order in this State for enforcement or for modification shall make reasonable efforts:*

(a) *To ensure that the order to be registered is the controlling order; or*

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

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

5. *A support-enforcement agency of this State shall request a tribunal of this State to issue a child-support order and an income-withholding order that redirect payment of current support, arrears and interest if requested to do so by a support-enforcement agency of another state pursuant to a law similar to NRS 130.319.*

6. This chapter does not create or negate a relationship of attorney and client or other fiduciary relationship between a support-enforcement agency or the attorney for the agency and the natural person being assisted by the agency.

Sec. 28. NRS 130.308 is hereby amended to read as follows:

130.308 If the Attorney General determines that ~~{the}~~ *a* support-enforcement agency is neglecting or refusing to provide services to a natural person, the Attorney General may order the agency to perform its duties under this chapter or may provide those services directly to the person.

Sec. 29. NRS 130.310 is hereby amended to read as follows:

130.310 1. The central unit established pursuant to NRS 425.400 is the State Information Agency under this chapter.



2. The State Information Agency shall:

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

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

(c) Forward to the appropriate tribunal in the ~~{place}~~ *county* in this State in which an ~~{individual}~~ obligee *who is a natural person* or obligor resides, or in which an obligor's property is believed to be located, all documents concerning a proceeding under this chapter received from an initiating tribunal or the state information agency of the initiating state; and

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

Sec. 30. NRS 130.311 is hereby amended to read as follows:

130.311 1. ~~{A}~~ *In a proceeding under this chapter, a petitioner seeking to establish ~~{or modify}~~ a support order, ~~{or}~~ to determine parentage ~~{in a proceeding under this chapter must verify the}~~ or to register and modify a support order of another state must file a* petition. Unless otherwise ordered pursuant to NRS 130.312, the petition or accompanying documents must provide, so far as known, the name, residential address and social security number of the obligor and the obligee ~~{,}~~ *or the parent and alleged parent*, and the name, sex, residential address, social security number and date of birth of each child for ~~{whom}~~ *whose benefit* support is sought ~~{, The}~~ *or whose parentage is to be determined. Unless filed at the time of registration, the* petition must be accompanied by a ~~{certified}~~ copy of any support order ~~{in effect.}~~ *known to have been issued by another tribunal.* The petition may include any other information that may assist in locating or identifying the respondent.

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

Sec. 31. NRS 130.312 is hereby amended to read as follows:

130.312 ~~{Upon a finding, which may be made ex parte.}~~ *If a party alleges in an affidavit or a pleading under oath* that the



1 health, safety or liberty of a party or child would be ~~unreasonably~~
2 ~~put at risk~~ *jeopardized* by the disclosure of *specific* identifying
3 information, ~~for if an existing order so provides, a tribunal shall~~
4 ~~order that the address of the child or party or other identifying~~ *that*
5 information *must be sealed and may* not be disclosed ~~in a pleading~~
6 ~~or other document filed in a proceeding under this chapter.~~ *to the*
7 *other party or the public. After a hearing in which a tribunal takes*
8 *into consideration the health, safety or liberty of the party or child,*
9 *the tribunal may order disclosure of information that the tribunal*
10 *determines to be in the interest of justice.*

11 **Sec. 32.** NRS 130.313 is hereby amended to read as follows:

12 130.313 1. Except as otherwise required pursuant to Section
13 16 of Article 6 of the Nevada Constitution, a petitioner must not be
14 required to pay a filing fee or other costs.

15 2. If an obligee prevails, a responding tribunal may assess
16 against an obligor filing fees, reasonable attorney's fees and other
17 costs, expenses for necessary travel and other reasonable expenses
18 incurred by the obligee and the witnesses of the obligee. The
19 tribunal may not assess fees, costs or expenses against the obligee or
20 the support-enforcement agency of either the initiating or the
21 responding state, except as otherwise provided by other law.
22 Attorney's fees may be taxed as costs and may be ordered to be paid
23 directly to the attorney, who may enforce the order in his own name.
24 Payment of support owed to the obligee has priority over fees, costs
25 and expenses.

26 3. The tribunal shall order the payment of costs and reasonable
27 attorney's fees if it determines that a hearing was requested
28 primarily for delay. In a proceeding pursuant to NRS 130.601 to
29 130.614, inclusive, *and section 6 of this act*, a hearing is presumed
30 to have been requested primarily for delay if a registered support
31 order is confirmed or enforced without change. This presumption is
32 subject to rebuttal.

33 4. All attorney's fees and other costs and expenses awarded to
34 and collected by a district attorney pursuant to this section must be
35 deposited in the general fund of the county and an equivalent
36 amount must be allocated to augment the county's program for the
37 enforcement of support obligations.

38 **Sec. 33.** NRS 130.314 is hereby amended to read as follows:

39 130.314 1. Participation by a petitioner in a proceeding
40 *under this chapter* before a responding tribunal, whether in person,
41 by private attorney or through services provided by ~~the~~ *a* support-
42 enforcement agency, does not confer personal jurisdiction over the
43 petitioner in another proceeding.



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

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

Sec. 34. NRS 130.316 is hereby amended to read as follows:

130.316 1. The physical presence of a ~~{petitioner in a responding}~~ *nonresident party who is a natural person in a* tribunal of this State is not required for the establishment, enforcement or modification of a support order or the rendition of a judgment determining parentage.

2. ~~{A verified petition, an}~~ *An* affidavit, a document substantially complying with federally mandated forms ~~{and}~~ *or* a document incorporated by reference in any of them, *which would* not *be* excluded under *the hearsay rule in* NRS 51.065 if given in person, is admissible in evidence if given under ~~{oath}~~ *penalty of perjury* by a party or witness residing in another state.

3. A copy of the record of child-support payments certified as a true copy of the original by the custodian of the record may be forwarded to a responding tribunal. The copy is evidence of facts asserted therein and is admissible to show whether payments were made.

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

5. Documentary evidence transmitted from another state to a tribunal of this State by telephone, telecopier or other means that do not provide an original ~~{writing}~~ *record* may not be excluded from evidence on an objection based on the means of transmission.

6. In a proceeding under this chapter, a tribunal of this State ~~{may}~~ *shall* permit a party or witness residing in another state to be deposed or to testify by telephone, audiovisual means or other electronic means at a designated tribunal or other location in that state. A tribunal of this State shall cooperate with tribunals of other states in designating an appropriate location for the deposition or testimony.

7. In a civil proceeding under this chapter, if a party called to testify refuses to answer a question on the ground that the testimony may be self-incriminating, the trier of fact may draw an adverse inference from the refusal.



8. A privilege against the disclosure of communications between husband and wife does not apply in a proceeding under this chapter.

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

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

Sec. 35. NRS 130.317 is hereby amended to read as follows:

130.317 A tribunal of this State may communicate with a tribunal of another state *or foreign country or political subdivision* in ~~[writing]~~ *a record*, or by telephone or other means, to obtain information concerning the laws of that state ~~[]~~ *or foreign country or political subdivision*, the legal effect of a judgment, decree or order of that tribunal, and the status of a proceeding in the other state ~~[]~~ *or foreign country or political subdivision*. A tribunal of this State may furnish similar information by similar means to a tribunal of another state ~~[]~~ *or foreign country or political subdivision*.

Sec. 36. NRS 130.319 is hereby amended to read as follows:

130.319 *1. A support-enforcement agency or tribunal of this State shall disburse promptly any amounts received pursuant to a support order, as directed by the order. The agency or tribunal shall furnish to a requesting party or tribunal of another state a certified statement by the custodian of the record of the amounts and dates of all payments received.*

2. If neither the obligor, nor the obligee who is a natural person, nor the child resides in this State, upon request from a support-enforcement agency of this State or another state, a tribunal of this State shall:

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

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

3. A support-enforcement agency of this State receiving redirected payments from another state pursuant to a law similar to subsection 2 shall furnish to a requesting party or tribunal of the other state a certified statement by the custodian of the record of the amount and dates of all payments received.

Sec. 37. NRS 130.401 is hereby amended to read as follows:

130.401 1. If a support order entitled to recognition under this chapter has not been issued, a responding tribunal of this State may issue a support order if:



(a) The natural person seeking the order resides in another state;
or

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

2. The tribunal may issue a temporary child-support order if ~~if:~~

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

~~(b) The respondent has been determined by or pursuant to law to be the parent; or~~

~~(c) There is other clear and convincing evidence that the respondent is the parent of the child.}~~ *the tribunal determines that such an order is appropriate and the natural person ordered to pay is:*

(a) A presumed father of the child under subsection 1 of NRS 126.051;

(b) Petitioning to have his paternity adjudicated;

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

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

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

(f) An acknowledged father as provided by NRS 126.053;

(g) The mother of the child; or

(h) A natural person who has been ordered to pay child support in a previous proceeding and the order has not been reversed or vacated.

3. Upon finding, after notice and opportunity to be heard, that an obligor owes a duty of support, the tribunal shall issue a support order directed to the obligor and may issue other orders pursuant to NRS 130.305.

Sec. 38. NRS 130.501 is hereby amended to read as follows:

130.501 An income-withholding order issued in another state may be sent *by or on behalf of the obligee or by a support-enforcement agency* to an employer of an obligor in this State without first filing a petition or comparable pleading or registering the order with a tribunal of this State.

Sec. 39. NRS 130.502 is hereby amended to read as follows:

130.502 1. Upon receipt of an income-withholding order, an employer of an obligor shall immediately provide a copy of the order to the obligor.

2. The employer shall treat an income-withholding order issued in another state that appears regular on its face as if it had been issued by a tribunal of this State.

3. Except as otherwise provided in subsection 4 and NRS 130.503, the employer shall withhold and distribute the money as



1 directed in the withholding order by complying with terms of the
2 order which specify:

3 (a) The duration and amount of periodic payments of current
4 child support, stated as a sum certain;

5 (b) The person ~~for agency~~ designated to receive payments and
6 the address to which the payments are to be forwarded;

7 (c) Requirements for medical support, whether in the form of
8 periodic cash payment, stated as a sum certain, or ordering the
9 obligor to provide health insurance coverage for the child under a
10 policy available through the obligor's employment;

11 (d) The amount of periodic payments of fees and costs for a
12 support-enforcement agency, the issuing tribunal and the obligee's
13 attorney, stated as sums certain; and

14 (e) The amount of periodic payments of arrearages and interest
15 on arrearages, stated as sums certain.

16 4. An employer shall comply with the law of the state of the
17 obligor's principal place of employment for withholding from
18 income with respect to:

19 (a) The employer's fee for processing an income-withholding
20 order;

21 (b) The maximum amount permitted to be withheld from the
22 obligor's income;

23 (c) The times within which the employer must implement the
24 withholding order and forward the child-support payment; and

25 (d) Any terms or conditions of withholding not specified in the
26 withholding order.

27 **Sec. 40.** NRS 130.503 is hereby amended to read as follows:

28 130.503 If an employer of an obligor receives ~~multiple~~ *two or*
29 *more* income-withholding orders with respect to the earnings of the
30 same obligor, the employer satisfies the terms of the ~~multiple~~
31 orders if the employer complies with the law of the state of the
32 obligor's principal place of employment to establish the priorities
33 for withholding and allocating income withheld for ~~multiple~~ *two*
34 *or more* child-support obligees.

35 **Sec. 41.** NRS 130.506 is hereby amended to read as follows:

36 130.506 1. An obligor may contest the validity or
37 enforcement of an income-withholding order issued in another state
38 and received directly by an employer in this State by ~~requesting,~~
39 ~~within 15 days after he receives a copy of the order pursuant to NRS~~
40 ~~130.502,] registering the order in~~ a tribunal of this State ~~to conduct~~
41 ~~a hearing for that purpose,] and filing a contest to that order as~~
42 ~~provided in NRS 130.601 to 130.614, inclusive, and section 6 of~~
43 ~~this act or otherwise contesting the order in the same manner as if~~
44 ~~the order had been issued by a tribunal of this State.~~

45 2. The obligor shall give notice of the contest to:



(a) A support-enforcement agency providing services to the obligee;

(b) Each employer that has directly received an income-withholding order ~~(:)~~ *relating to the obligor*; and

(c) The person ~~{or agency}~~ designated to receive payments in the income-withholding order, or if no person ~~{or agency}~~ is designated, to the obligee.

3. The obligor has the burden of proving one or more of the following defenses:

(a) The tribunal that issued the order lacked personal jurisdiction over the obligor;

(b) The order was obtained by fraud;

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

(d) There is a mistake of fact as to the amount of the order or the identity of the obligor.

4. The provisions of NRS 130.604 apply to the contest. If the tribunal determines:

(a) Any of the defenses presented pursuant to subsection 3 in favor of the obligor, it shall issue an order to stay the withholding.

(b) None of the defenses presented pursuant to subsection 3 in favor of the obligor, it shall order the employer to proceed with the withholding, and may assess costs and attorney's fees against the obligor.

5. The tribunal shall provide the parties and employer with notice of its decision within 45 days after the obligor received a copy of the order pursuant to NRS 130.502.

Sec. 42. NRS 130.507 is hereby amended to read as follows:

130.507 1. A party *or support-enforcement agency* seeking to enforce a support order or an income-withholding order, or both, issued by a tribunal of another state may send the documents required for registering the order to a support-enforcement agency of this State.

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



Sec. 43. NRS 130.601 is hereby amended to read as follows:

130.601 A support order or ~~{an}~~ income-withholding order issued by a tribunal of another state may be registered in this State for enforcement.

Sec. 44. NRS 130.602 is hereby amended to read as follows:

130.602 1. A support order or income-withholding order of another state may be registered in this State by sending the following ~~{documents}~~ *records* and information to the State Information Agency in this State:

(a) A letter of transmittal requesting registration and enforcement;

(b) Two copies, including one certified copy, of ~~{all orders}~~ *the order* to be registered, including any modification of ~~{an}~~ *the* order;

(c) A sworn statement by the ~~{party-seeking}~~ *person requesting* registration or a certified statement by the custodian of the records showing the amount of any arrearage;

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

(1) The address and social security number of the obligor;

(2) The name and address of the employer of the obligor and any other source of income of the obligor; and

(3) A description and the location of property of the obligor in this State that is not exempt from execution; and

(e) ~~{The}~~ *Except as otherwise provided in NRS 130.312, the* name and address of the obligee and, if applicable, the ~~{agency-or}~~ person to whom support payments are to be remitted.

2. On receipt of a request for registration, the State Information Agency shall cause the order to be filed with the registering tribunal as a foreign judgment, together with one copy of the documents and information, regardless of their form.

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

4. If two or more orders are in effect, the person requesting registration shall:

(a) Furnish to the State Information Agency a copy of every support order asserted to be in effect in addition to the documents specified in this section;

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

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

5. A request for a determination of which is the controlling order may be filed separately or with a request for registration and enforcement or for registration and modification. The person



1 *requesting registration shall give notice of the request to each*
2 *party whose rights may be affected by the determination.*

3 **Sec. 45.** NRS 130.603 is hereby amended to read as follows:

4 130.603 1. A support order or income-withholding order
5 issued in another state is registered when the order is filed in the
6 registering tribunal of this State.

7 2. A registered order issued in another state is enforceable in
8 the same manner and is subject to the same procedures as an order
9 issued by a tribunal of this State.

10 3. Except as otherwise provided in NRS 130.601 to 130.614,
11 inclusive, *and section 6 of this act*, a tribunal of this State shall
12 recognize and enforce, but may not modify, a registered order if the
13 issuing tribunal had jurisdiction.

14 **Sec. 46.** NRS 130.604 is hereby amended to read as follows:

15 130.604 1. ~~[The]~~ *Except as otherwise provided in*
16 *subsection 4, the law of the issuing state governs [the]:*

17 (a) *The* nature, extent, amount and duration of current payments
18 ~~[and other obligations of support and the]~~ *under a registered*
19 *support order;*

20 (b) *The computation and* payment of arrearages *and accrual of*
21 *interest on the arrearages* under the *support* order ~~[.];~~ *and*

22 (c) *The existence and satisfaction of other obligations under*
23 *the support order.*

24 2. In a proceeding for ~~[arrearages,]~~ *arrears under a registered*
25 *support order*, the statute of limitation ~~[under the law]~~ of this State
26 or of the issuing state, whichever is longer, applies.

27 3. *A responding tribunal of this State shall apply the*
28 *procedures and remedies of this State to enforce current support*
29 *and collect arrears and interest due on a support order of another*
30 *state which is registered in this State.*

31 4. *After a tribunal of this State or another state determines*
32 *which is the controlling order and issues an order consolidating*
33 *arrears, if any, a tribunal of this State shall prospectively apply the*
34 *law of the state issuing the controlling order, including its law on*
35 *interest on arrears, on current and future support and on*
36 *consolidated arrears.*

37 **Sec. 47.** NRS 130.605 is hereby amended to read as follows:

38 130.605 1. When a support order or income-withholding
39 order issued in another state is registered, the registering tribunal
40 shall notify the nonregistering party and a support-enforcement
41 agency of this State. The notice must be accompanied by a copy of
42 the registered order and the documents and relevant information
43 accompanying the order.

44 2. The notice must inform the nonregistering party:



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

(b) That a hearing to contest the validity or enforcement of the registered order must be requested within 20 days after the notice;

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

(d) Of the amount of any alleged arrearages.

3. *If the registering party asserts that two or more orders are in effect, the notice must also:*

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

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

(c) *State that the procedures provided in subsection 2 apply to the determination of which is the controlling order; and*

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

4. Upon registration of an income-withholding order for enforcement, the registering tribunal shall cause appropriate notice of the order to be provided to the employer of the obligor in accordance with chapter 31A of NRS.

Sec. 48. NRS 130.607 is hereby amended to read as follows:

130.607 1. A party contesting the validity or enforcement of a registered order or seeking to vacate the registration has the burden of proving one or more of the following defenses:

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

(b) The order was obtained by fraud;

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

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

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

(f) Full or partial payment has been made; ~~for~~

(g) The statute of limitation applicable pursuant to NRS 130.604 precludes enforcement of some or all of the *alleged* arrearages ~~is~~ ;
or

(h) *The alleged controlling order is not the controlling order.*



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

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

Sec. 49. NRS 130.610 is hereby amended to read as follows:

130.610 A tribunal of this State may enforce a child-support order of another state registered for purposes of modification, in the same manner as if the order had been issued by a tribunal of this State, but the registered order may be modified only if the requirements of NRS 130.611 ~~for~~, *130.613 or section 6 of this act* have been met.

Sec. 50. NRS 130.611 is hereby amended to read as follows:

130.611 1. ~~After~~ *If NRS 130.613 does not apply, except as otherwise provided in section 6 of this act, upon petition a tribunal of this State may modify* a child-support order issued in another state ~~has been~~ *which is* registered in this State ~~, the responding tribunal of this State may modify that order only if NRS 130.613 does not apply and~~ *if*, after notice and hearing ~~it~~, *the tribunal* finds that:

(a) The following requirements are met:

(1) ~~The child, the individual obligee and~~ *Neither the child, nor the obligee who is a natural person, nor* the obligor ~~do not reside~~ *resides* in the issuing state;

(2) A petitioner who is a nonresident of this State seeks modification; and

(3) The respondent is subject to the personal jurisdiction of the tribunal of this State; or

(b) ~~The~~ *This State is the state of residence of the* child, or a party who is a natural person ~~is~~ is subject to the personal jurisdiction of the tribunal of this State, and all of the parties who are natural persons have filed ~~written~~ *in a record* in the issuing tribunal for a tribunal of this State to modify the support order and assume continuing and exclusive jurisdiction. ~~over the order. However, if the issuing state is a foreign jurisdiction that has not enacted a law or established procedures substantially similar to the procedures established by the Uniform Interstate Family Support Act, the consent otherwise required of a natural person residing in this State is not required for the tribunal to assume jurisdiction to modify the child support order.~~



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

~~[A]~~ *Except as otherwise provided in section 6 of this act, a tribunal of this State may not modify any aspect of a child-support order that may not be modified under the law of the issuing state ~~[A]~~, including the duration of the obligation of support.* If two or more tribunals have issued child-support orders for the same obligor and *same* child, the order that controls and must be so recognized under NRS 130.207 establishes the aspects of the support order which may not be modified.

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

5. On the issuance of an order by a tribunal of this State modifying a child-support order issued in another state, ~~the~~ the tribunal of this State becomes the tribunal having continuing and exclusive jurisdiction.

Sec. 51. NRS 130.612 is hereby amended to read as follows:

130.612 ~~[A]~~ *If a child-support order issued by a tribunal of this State ~~[shall recognize a modification of its earlier child-support order]~~ is modified by a tribunal of another state which assumed jurisdiction pursuant to the Uniform Interstate Family Support Act ~~[or a law substantially similar to that Act and, upon request, except as otherwise provided in this chapter, shall:~~*

~~— 1. — Enforcee], a tribunal of this State:~~

1. May enforce the order that was modified only as to ~~[amounts]~~ *arrears and interest* accruing before the modification;

~~2. [Enforce only aspects of that order that may not be modified;~~

~~— 3. — Provide other]~~ *May provide* appropriate relief ~~[only]~~ for violations of ~~[that]~~ *its* order which occurred before the effective date of the modification; and

~~[4. — Recognize]~~

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

Sec. 52. NRS 130.613 is hereby amended to read as follows:

130.613 1. If all of the parties who are natural persons reside in this State and the child does not reside in the issuing state, a tribunal of this State has jurisdiction to enforce and to modify the child-support order of the issuing state in a proceeding to register that order.



2. A tribunal of this State exercising jurisdiction under this section shall apply the provisions of NRS 130.0902 to 130.209, inclusive, *and sections 4 and 5 of this act* and 130.601 to 130.614, inclusive, *and section 6 of this act* and the procedural and substantive law of this State to the proceeding for enforcement or modification. The provisions of NRS 130.301 to 130.507, inclusive, and 130.701, 130.801 and 130.802 do not apply.

Sec. 53. NRS 130.701 is hereby amended to read as follows:

130.701 ~~1.~~ A ~~tribunal~~ *court* of this State *authorized to determine parentage of a child* may serve as ~~an initiating or~~ a responding tribunal in a proceeding *to determine parentage* brought under the Uniform Interstate Family Support Act or a law or procedure substantially similar to that Act . ~~[the Uniform Reciprocal Enforcement of Support Act or the Revised Uniform Reciprocal Enforcement of Support Act to determine that the petitioner is a parent of a particular child or to determine that a respondent is a parent of that child.~~

~~2. In a proceeding to determine parentage, a responding tribunal of this State shall apply the procedural and substantive law of this State and the rules of this State on choice of law.]~~

Sec. 54. NRS 130.802 is hereby amended to read as follows:

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

2. If, under the Uniform Interstate Family Support Act or a law substantially similar to that Act, ~~[the Uniform Reciprocal Enforcement of Support Act or the Revised Uniform Reciprocal Enforcement of Support Act,]~~ the governor of another state makes a demand that the Governor of this State surrender a natural person charged criminally in that state with having failed to provide for the support of a child or other natural person to whom a duty of support is owed, the Governor may require a prosecutor to investigate the demand and report whether a proceeding for support has been initiated or would be effective. If it appears that a proceeding would be effective but has not been initiated, the Governor may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.

3. If a proceeding for support has been initiated and the natural person whose rendition is demanded prevails, the Governor may decline to honor the demand. If the petitioner prevails and the natural person whose rendition is demanded is subject to a support



- 1 order, the Governor may decline to honor the demand if the person
- 2 is complying with the support order.

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