

CHAPTER.....

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

Legislative Counsel's Digest:

Nevada enacted the Uniform Interstate Family Support Act in 1997. (NRS 130.0902-130.802; Chapter 489, Statutes of Nevada 1997, p. 2311) The 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 Act a condition for states to receive federal funding for child support enforcement efforts, every jurisdiction in the United States has enacted the Act. This bill enacts the amendments to the Act that were proposed and finalized by the National Conference of Commissioners on Uniform State Laws in 2008.

This bill amends existing law to provide that the provisions of the Act apply to a foreign support order, a foreign tribunal, or obligees, obligors or children residing in a foreign country. This bill also provides for various powers, duties and procedures for support orders under the International Recovery of Child Support and Other Forms of Family Maintenance treaty, which include: (1) specific filings an obligee or an obligor may make under the treaty; (2) the ability to file a direct request for determination or modification of certain orders; and (3) the registration, recognition and enforcement of certain foreign orders in this State.

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

Section 1. NRS 126.041 is hereby amended to read as follows:
126.041 The parent and child relationship between a child and:

1. The natural mother may be established by proof of her having given birth to the child, or under this chapter, or NRS 125B.150 or ~~[130.701]~~ *section 10 of this act.*

2. The natural father may be established under this chapter, ~~[or]~~ NRS 125B.150 ~~[, 130.701]~~ or 425.382 to 425.3852, inclusive ~~[,]~~, *or section 10 of this act.*

3. An adoptive parent may be established by proof of adoption.

Sec. 2. Chapter 130 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 31, inclusive, of this act.

Sec. 3. *“Convention” means the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, concluded at The Hague on November 23, 2007.*



Sec. 4. *“Foreign country” means a country, including a political subdivision thereof, other than the United States, which authorizes the issuance of support orders and:*

- 1. Which has been declared under the law of the United States to be a foreign reciprocating country;*
- 2. Which has established a reciprocal arrangement for child support with this State as provided in NRS 130.308;*
- 3. Which has enacted a law or established procedures for the issuance and enforcement of support orders which are substantially similar to the procedures under this chapter; or*
- 4. In which the Convention is in force with respect to the United States.*

Sec. 5. *“Foreign support order” means a support order of a foreign tribunal.*

Sec. 6. *“Foreign tribunal” means a court, administrative agency or quasi-judicial entity of a foreign country which is authorized to establish, enforce or modify support orders or to determine parentage of a child. The term includes a competent authority under the Convention.*

Sec. 7. *“Issuing foreign country” means the foreign country in which a tribunal issues a support order of a judgment determining parentage of a child.*

Sec. 8. *“Outside this State” means a location in another state or a country other than the United States, whether or not the country is a foreign country.*

Sec. 9. *1. A tribunal of this State shall apply this chapter to a support proceeding involving:*

- (a) A foreign support order;*
- (b) A foreign tribunal; or*
- (c) An obligee, obligor or child residing in a foreign country.*

2. A tribunal of this State that is requested to recognize and enforce a support order on the basis of comity may apply the procedural and substantive provisions of this chapter.

3. Sections 12 to 31, inclusive, of this act apply only to a support proceeding under the Convention. In such a proceeding, if a provision of sections 12 to 31, inclusive, of this act is inconsistent with this chapter, sections 12 to 31, inclusive, of this act control.

Sec. 10. *A tribunal of this State authorized to determine parentage of a child may serve as a responding tribunal in a proceeding to determine parentage of a child brought under this chapter or a law or procedure substantially similar to this chapter.*



Sec. 11. *A party or support enforcement agency seeking to modify, or to modify and enforce, a foreign child-support order not under the Convention may register that order in this State under NRS 130.601 to 130.608, inclusive, if the order has not been registered. A petition for modification may be filed at the same time as a request for registration or at any other time. The petition must specify the grounds for modification.*

Sec. 12. *As used in sections 12 to 31, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 13 to 19, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 13. *“Application” means a request under the Convention by an obligee or obligor, or on behalf of a child, made through a central authority for assistance from another central authority.*

Sec. 14. *“Central authority” means the entity designated by the United States or a foreign country as described in subsection 4 of section 4 of this act to perform the functions specified in the Convention.*

Sec. 15. *“Convention support order” means a support order of a tribunal of a foreign country described in subsection 4 of section 4 of this act.*

Sec. 16. *“Direct request” means a petition filed by an individual in a tribunal of this State in a proceeding involving an obligee, obligor or a child residing outside the United States.*

Sec. 17. *“Foreign central authority” means the entity designated by a foreign country described in subsection 4 of section 4 of this act to perform the functions specified in the Convention.*

Sec. 18. *“Foreign support agreement”:*

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

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

(b) Has been:

(1) Formally drawn up or registered as an authentic instrument by a foreign tribunal; or

(2) Authenticated by, or concluded, registered or filed with, a foreign tribunal; and

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

2. Includes a maintenance arrangement or authentic instrument under the Convention.

Sec. 19. *“United States central authority” means the Secretary of the United States Department of Health and Human Services.*



Sec. 20. *Sections 12 to 31, inclusive, of this act apply only to a support proceeding under the Convention. In such a proceeding, if a provision of sections 12 to 31, inclusive, of this act is inconsistent with this chapter, sections 12 to 31, inclusive, of this act control.*

Sec. 21. *The governmental entity of this State recognized as the agency designated by the United States central authority may perform specific functions under the Convention.*

Sec. 22. *1. In a support proceeding under sections 12 to 31, inclusive, of this act, the governmental entity of this State designated pursuant to section 21 of this act shall:*

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

2. The following support proceedings are available to the obligee under the Convention:

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

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

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

(d) Establishment of a support order if recognition of a foreign support order is refused under paragraphs (b), (d) or (i) of subsection 2 of section 26 of this act;

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

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

3. The following support proceedings are available under the Convention to an obligor against which there is an existing support order:

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

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

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

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



Sec. 23. *1. A petitioner may file a direct request seeking establishment or modification of a support order or determination of parentage of a child. In the proceeding, the law of this State applies.*

2. A petitioner may file a direct request seeking recognition and enforcement of a support order or support agreement. In the proceeding, sections 24 to 31, inclusive, of this act apply.

3. In a direct request for recognition and enforcement of a Convention support order or foreign support agreement:

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

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

4. A petitioner filing a direct request is not entitled to assistance from the governmental entity designated pursuant to section 21 of this act.

5. Sections 12 to 31, inclusive, of this act do not prevent the application of laws of this State that provide simplified, more expeditious rules regarding a direct request for recognition and enforcement of a foreign support order or foreign support agreement.

Sec. 24. *1. Except as otherwise provided in sections 12 to 31, inclusive, of this act, a party who is an individual or a support enforcement agency seeking recognition of a Convention support order shall register the order in this State as provided in NRS 130.601 to 130.614, inclusive, and section 11 of this act.*

2. Notwithstanding NRS 130.311 and subsection 1 of NRS 130.602, a request for registration of a Convention support order must be accompanied by:

(a) A complete text of the support order or an abstract or extract of the support order drawn up by the issuing foreign tribunal, which may be in the form recommended by the Hague Conference on Private International Law;

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

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



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

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

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

3. A request for registration of a Convention support order may seek recognition and partial enforcement of the order.

4. A tribunal of this State may vacate the registration of a Convention support order without the filing of a contest under section 25 of this act only if, acting on its own motion, the tribunal finds that recognition and enforcement of the order would be manifestly incompatible with public policy.

5. The tribunal shall promptly notify the parties of the registration or the order vacating the registration of a Convention support order.

Sec. 25. 1. Except as otherwise provided in sections 12 to 31, inclusive, of this act, NRS 130.605 to 130.608, inclusive, apply to a contest of a registered Convention support order.

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

3. If the nonregistering party fails to contest the registered Convention support order by the time specified in subsection 2, the order is enforceable.

4. A contest of a registered Convention support order may be based only on grounds set forth in section 26 of this act. The contesting party bears the burden of proof.

5. In a contest of a registered Convention support order, a tribunal of this State:

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

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

6. A tribunal of this State deciding a contest of a registered Convention support order shall promptly notify the parties of its decision.

7. A challenge or appeal, if any, does not stay the enforcement of a Convention support order unless there are exceptional circumstances.



Sec. 26. 1. *Except as otherwise provided in subsection 2, a tribunal of this State shall recognize and enforce a registered Convention support order.*

2. *The following grounds are the only grounds on which a tribunal of this State may refuse recognition and enforcement of a registered Convention support order:*

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

(b) The issuing tribunal lacked personal jurisdiction consistent with NRS 130.201;

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

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

(e) A record transmitted in accordance with section 24 of this act lacks authenticity or integrity;

(f) A proceeding between the same parties and having the same purpose is pending before a tribunal of this State and that proceeding was the first to be filed;

(g) The order is incompatible with a more recent support order involving the same parties and having the same purpose if the more recent support order is entitled to recognition and enforcement under this chapter in this State;

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

(i) In a case in which the respondent neither appeared nor was represented in the proceeding in the issuing foreign country:

(1) If the law of that country provides for prior notice of proceedings, the respondent did not have proper notice of the proceedings and an opportunity to be heard; or

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

(j) The order was made in violation of section 29 of this act.

3. *If a tribunal of this State does not recognize a Convention support order under paragraphs (b), (d), (f) or (i) of subsection 2:*

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

(b) The governmental entity identified pursuant to section 21 of this act shall take all appropriate measures to request a child-



support order for the obligee if the application for recognition and enforcement was received under section 22 of this act.

Sec. 27. *If a tribunal of this State does not recognize and enforce a Convention support order in its entirety, it shall enforce any severable part of the order. An application or direct request may seek recognition and partial enforcement of a Convention support order.*

Sec. 28. 1. *Except as otherwise provided in subsections 3 and 4, a tribunal of this State shall recognize and enforce a foreign support agreement registered in this State.*

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

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

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

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

- (a) Recognition and enforcement of the agreement is manifestly incompatible with public policy;*
- (b) The agreement was obtained by fraud or falsification;*
- (c) The agreement is incompatible with a support order involving the same parties and having the same purpose in this State, another state or a foreign country if the support order is entitled to recognition and enforcement under this chapter in this State; or*
- (d) The record submitted under subsection 2 lacks authenticity or integrity.*

5. *A proceeding for recognition and enforcement of a foreign support agreement must be suspended during the pendency of a challenge to or appeal of the agreement before a tribunal of another state or a foreign country.*

Sec. 29. 1. *A tribunal of this State may not modify a Convention child-support order if the obligee remains a resident of the foreign country where the support order was issued unless:*

- (a) The obligee submits to the jurisdiction of a tribunal of this State, either expressly or by defending on the merits of the case*



without objecting to the jurisdiction at the first available opportunity; or

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

2. If a tribunal of this State does not modify a Convention child-support order because the order is not recognized in this State, subsection 3 of section 26 of this act applies.

Sec. 30. Personal information gathered or transmitted under sections 12 to 31, inclusive, of this act, may be used only for the purposes for which it was gathered or transmitted.

Sec. 31. A record filed with a tribunal of this State under sections 12 to 31, inclusive, of this act must be in the original language and, if not in English, must be accompanied by an English translation.

Sec. 32. NRS 130.0902 is hereby amended to read as follows:

130.0902 NRS 130.0902 to 130.802, inclusive, *and sections 3 to 31, inclusive, of this act* may be cited as the Uniform Interstate Family Support Act.

Sec. 33. NRS 130.101 is hereby amended to read as follows:

130.101 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 130.10103 to 130.10191, inclusive, *and sections 3 to 8, inclusive, of this act* have the meanings ascribed to them in those sections.

Sec. 34. NRS 130.10119 is hereby amended to read as follows:

130.10119 “Home state” means the state *or foreign country* in which a child lived with a parent or a person acting as a parent for at least 6 consecutive months immediately preceding the time of filing a petition or comparable pleading for support and, if a child is less than 6 months old, the state *or foreign country* in which the child lived from birth with a parent or a person acting as a parent. A period of temporary absence of any of those persons is counted as part of the 6-month or other period.

Sec. 35. NRS 130.10135 is hereby amended to read as follows:

130.10135 “Initiating tribunal” means ~~[an authorized]~~ *the* tribunal ~~[in an initiating]~~ *of a* state ~~[]~~ *or foreign country from which a petition or comparable pleading is forwarded or in which a petition or comparable pleading is filed for forwarding to another state or foreign country.*



Sec. 36. NRS 130.10139 is hereby amended to read as follows:

130.10139 "Issuing state" means a state in which a tribunal issues a support order or ~~renders~~ a judgment determining parentage ~~of a child~~ *of a child*.

Sec. 37. NRS 130.10143 is hereby amended to read as follows:

130.10143 "Issuing tribunal" means a tribunal *of a state or foreign country* that issues a support order or ~~renders~~ a judgment determining parentage ~~of a child~~ *of a child*.

Sec. 38. NRS 130.10151 is hereby amended to read as follows:

130.10151 "Obligee" means:

1. A natural person to whom a duty of support is or is alleged to be owed or in whose favor a support order ~~has been issued~~ or a judgment determining parentage *of a child* has been ~~rendered;~~ *issued;*

2. A *foreign country*, state or political subdivision *of a state* to which the rights under a duty of support or support order have been assigned or which has independent claims based on financial assistance provided to an individual obligee ~~in place of child support;~~ *in place of child support;*

3. A natural person seeking a judgment determining parentage of his child ~~of a child~~ *;* *or*

4. *A person that is a creditor in a proceeding under sections 12 to 31, inclusive, of this act.*

Sec. 39. NRS 130.10155 is hereby amended to read as follows:

130.10155 "Obligor" means a natural person, or the estate of a decedent, ~~who~~ *that*:

1. Owes or is alleged to owe a duty of support;

2. Is alleged but has not been adjudicated to be a parent of a child; ~~or~~

3. Is liable under a support order ~~of a child~~ *;* *or*

4. *Is a debtor in a proceeding under sections 12 to 31, inclusive, of this act.*

Sec. 40. NRS 130.10159 is hereby amended to read as follows:

130.10159 "Register" means to file *in a tribunal of this State* a support order or judgment determining parentage *of a child issued in another state or foreign country* with the clerk of a district court of this State.



Sec. 41. NRS 130.10163 is hereby amended to read as follows:

130.10163 “Registering tribunal” means a tribunal in which a support order *or judgment determining parentage of a child* is registered.

Sec. 42. NRS 130.10167 is hereby amended to read as follows:

130.10167 “Responding state” means a state in which a ~~[proceeding]~~ *petition or comparable pleading for support or to determine parentage of a child* is filed or to which a ~~[proceeding]~~ *petition or comparable pleading* is forwarded for filing from ~~[an initiating] another~~ state ~~[under the Uniform Interstate Family Support Act or a law or procedure substantially similar to that Act.]~~ *or foreign country.*

Sec. 43. NRS 130.10171 is hereby amended to read as follows:

130.10171 “Responding tribunal” means an authorized tribunal in a responding state ~~[.]~~ *or foreign country.*

Sec. 44. NRS 130.10179 is hereby amended to read as follows:

130.10179 “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States. The term includes ~~[.]~~

- ~~— 1. An] an~~ Indian *nation or* tribe. ~~[.] and~~
- ~~— 2. A foreign country or political subdivision that:~~
- ~~— (a) Has enacted a law or established procedures for the issuance and enforcement of support orders which are substantially similar to the procedures established under the Uniform Interstate Family Support Act;~~
- ~~— (b) Is declared to be a foreign reciprocating country or political subdivision pursuant to 42 U.S.C. § 659a; or~~
- ~~— (c) Is declared to be a state pursuant to NRS 130.035.]~~

Sec. 45. NRS 130.10183 is hereby amended to read as follows:

130.10183 “Support-enforcement agency” means a public official, *governmental entity*, or *private* agency authorized to ~~:]~~ *seek;*

1. ~~[The]~~ *Seek* enforcement of support orders or laws relating to the duty of support;
2. ~~[The]~~ *Seek* establishment or modification of child support;
3. ~~[A]~~ *Request* determination of parentage ~~[.]~~ *of a child;*



4. ~~[The location of]~~ *Attempt to locate* obligors or their assets;
or
5. ~~[A]~~ *Request* determination of the controlling child-support order.

Sec. 46. NRS 130.10187 is hereby amended to read as follows:

130.10187 “Support order” means a judgment, decree, order, *decision* or directive, whether temporary, final or subject to modification, issued ~~[by a tribunal]~~ *in a state or foreign country* for the benefit of a child, spouse or former spouse, which provides for monetary support, health care, arrearages, *retroactive support* or reimbursement ~~[and]~~ *for financial assistance provided to an individual obligee in place of child support. The term* may include related costs and fees, interest, the withholding of income, *automatic adjustment, reasonable* attorney’s fees and other relief.

Sec. 47. NRS 130.10191 is hereby amended to read as follows:

130.10191 “Tribunal” means a court, administrative agency or quasi-judicial entity authorized to establish, enforce or modify support orders or to determine parentage ~~[]~~ *of a child.*

Sec. 48. NRS 130.102 is hereby amended to read as follows:

130.102 *1.* The district court and, within the limitations of authority granted pursuant to NRS 3.405, 125.005 or 425.381 to 425.3852, inclusive, a master or referee appointed pursuant to any of those sections, are the tribunals of this State.

2. The support enforcement agency of this State may include, without limitation, a court, a district attorney, a law enforcement agency or the Division of Welfare and Supportive Services of the Department of Health and Human Services.

Sec. 49. NRS 130.103 is hereby amended to read as follows:

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

2. This chapter does not:

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

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



Sec. 50. NRS 130.201 is hereby amended to read as follows:

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

(a) He is personally served with a summons or other notice of the proceeding within this State;

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

(c) He resided with the child in this State;

(d) He resided in this State and provided prenatal expenses or support for the child;

(e) The child resides in this State as a result of the acts or directives of the nonresident;

(f) He engaged in sexual intercourse in this State, and the child may have been conceived by that act of intercourse; or

(g) There is any other basis consistent with the Constitution of this State and the Constitution of the United States for the exercise of personal jurisdiction.

2. The bases of personal jurisdiction set forth in subsection 1 or in any other law of this State may not be used to acquire personal jurisdiction for a tribunal of ~~[the]~~ *this* State to modify a child support order of another state unless the requirements of NRS 130.611 ~~[or 130.6115]~~ are met ~~[]~~ *or, in the case of a foreign support order, unless the requirements of NRS 130.6115 are met.*

Sec. 51. NRS 130.2025 is hereby amended to read as follows:

130.2025 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 *foreign* support order ~~[of a foreign country or political subdivision on the basis of comity]~~ may receive evidence from ~~[another]~~ *outside this* State pursuant to NRS 130.316, communicate with a tribunal ~~[of another]~~ *outside this* State pursuant to NRS 130.317 and obtain discovery through a tribunal ~~[of another]~~ *outside this* State pursuant to NRS 130.318. In all other respects, NRS 130.301 to ~~[130.701]~~ *130.614*, inclusive, *and sections 12 to 31, inclusive, of this act* do not apply and the tribunal shall apply the procedural and substantive law of this State.

Sec. 52. NRS 130.203 is hereby amended to read as follows:

130.203 Under this chapter, a tribunal of this State may serve as an initiating tribunal to forward proceedings to *a tribunal of*



another state and as a responding tribunal for proceedings initiated in another state ~~or~~ *or foreign country*.

Sec. 53. NRS 130.204 is hereby amended to read as follows:

130.204 1. A tribunal of this State may exercise jurisdiction to establish a support order if the petition or comparable pleading is filed after a petition or comparable pleading is filed in another state *or a foreign country* only if:

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

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

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

2. A tribunal of this State may not exercise jurisdiction to establish a support order if the petition or comparable pleading is filed before a petition or comparable pleading is filed in another state *or a foreign country* if:

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

(b) The contesting party challenges the exercise of jurisdiction in this State in a timely manner; and

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

Sec. 54. NRS 130.2055 is hereby amended to read as follows:

130.2055 1. A tribunal of this State issuing a spousal-support order consistent with the law of this State has continuing and exclusive jurisdiction to modify the spousal-support order throughout the existence of the support obligation.

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

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

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

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



Sec. 55. 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:

(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 a tribunal* of another state is the controlling order.

2. A tribunal of this State having continuing jurisdiction over a support order may act as a responding tribunal to enforce the order.

Sec. 56. NRS 130.207 is hereby amended to read as follows:

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

2. If a proceeding is brought under this chapter and two or more child-support orders have been issued by tribunals of this State or another state *or a foreign country* with regard to the same obligor and same child, a tribunal of this State having personal jurisdiction over both the obligor and obligee who is a natural person shall apply the following rules and by order shall determine which child-support order controls ~~[-]~~ *and must be recognized:*

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

(b) If more than one of the tribunals would have continuing and exclusive jurisdiction under this chapter, an order issued by a tribunal in the current home state of the child controls, ~~[but]~~ *or* if an order has not been issued in the current home state of the child, the order most recently issued controls.

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

3. If two or more child-support orders have been issued for the same obligor and same child, upon request of a party who is a natural person or *that is* a support-enforcement agency, a tribunal of this State having personal jurisdiction over both the obligor and the obligee who is a natural person shall determine which order controls under subsection 2. The request may be filed with a registration for enforcement or registration for modification



pursuant to NRS 130.601 to 130.614, inclusive, or may be filed as a separate proceeding.

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

5. The tribunal that issued the controlling order under subsection 1, 2 or 3 has continuing jurisdiction to the extent provided in NRS 130.205 or 130.206.

6. A tribunal of this State that determines by order which is the controlling order under paragraph (a) or (b) of subsection 2 or subsection 3 or that issues a new controlling order under paragraph (c) of subsection 2 shall state in that order:

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

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

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

7. Within 90 days after issuance of an order determining which is the controlling order, the party obtaining the order shall file a certified copy of it in each tribunal that issued or registered an earlier order of child support. A party or support-enforcement agency obtaining the order that fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the controlling order.

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

Sec. 57. NRS 130.208 is hereby amended to read as follows:

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

Sec. 58. NRS 130.209 is hereby amended to read as follows:

130.209 A tribunal of this State shall credit amounts collected for a particular period pursuant to 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 ~~for~~ *State*, another state ~~or~~ *or a foreign country*.

Sec. 59. 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. A petitioner who is a natural person or a support-enforcement agency may 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 *or a foreign country* which has or can obtain personal jurisdiction over the respondent.

Sec. 60. NRS 130.304 is hereby amended to read as follows:

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

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

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

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

Sec. 61. NRS 130.305 is hereby amended to read as follows:

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

2. A responding tribunal of this State, to the extent not prohibited by other law, may do one or more of the following:

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



- (b) Order an obligor to comply with a support order, specifying the amount and the manner of compliance;
- (c) Order the withholding of income;
- (d) Determine the amount of any arrearages and specify a method of payment;
- (e) Enforce orders by civil or criminal contempt, or both;
- (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, *electronic mail 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. 62. 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 tribunal shall forward the pleading and accompanying documents to an appropriate tribunal ~~in~~ *of* this State or another state and notify the petitioner where and when the pleading was sent.



Sec. 63. 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 shall:

(a) Take all steps necessary to enable an appropriate tribunal ~~in~~ *of* this State , ~~or~~ another state *or a foreign country* 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 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 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. 64. NRS 130.308 is hereby amended to read as follows:

130.308 **1.** If the Attorney General determines that 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.

2. *The Attorney General may determine that a foreign country has established a reciprocal arrangement for child support with this State and take appropriate action for notification of the determination.*

Sec. 65. 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 county in this State in which an 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}~~ *another* state ~~{information agency of the initiating state;}~~ *or a foreign country;* 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. 66. NRS 130.311 is hereby amended to read as follows:

130.311 **1.** In a proceeding under this chapter, a petitioner seeking to establish a support order, to determine parentage *of a child* or to register and modify a support order *of a tribunal* of




another state *or a foreign country* 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 whose benefit support is sought or whose parentage is to be determined. Unless filed at the time of registration, the petition must be accompanied by a copy of any support order 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. 67. NRS 130.313 is hereby amended to read as follows:

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

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

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

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



Sec. 68. NRS 130.316 is hereby amended to read as follows:

130.316 1. The physical presence of a 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 ~~[]~~ *of a child*.

2. An affidavit, a document substantially complying with federally mandated forms 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 penalty of perjury by a party or witness residing ~~[in another]~~ *outside this* 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 ~~[]~~ *of a child*, 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]~~ *outside this* State to a tribunal of this State by telephone, telecopier or other *electronic* means that do not provide an original 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 shall permit a party or witness residing ~~[in another]~~ *outside this* 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 *other* 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. 69. NRS 130.317 is hereby amended to read as follows:

130.317 A tribunal of this State may communicate with a tribunal ~~{of another}~~ *outside this* State ~~{for foreign country or political subdivision}~~ in a record, or by telephone, *electronic mail* 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}~~ *outside this* State. ~~{for foreign country or political subdivision.}~~

Sec. 70. NRS 130.318 is hereby amended to read as follows:

130.318 A tribunal of this State may:

1. Request a tribunal ~~{of another}~~ *outside this* State to assist in obtaining discovery; and
2. Upon request, compel a person over ~~{whom}~~ *which* it has jurisdiction to respond to a discovery order issued by a tribunal ~~{of another}~~ *outside this* State.

Sec. 71. 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 *or a foreign country* 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. 72. 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 *with personal jurisdiction over the parties* may issue a support order if:

(a) The natural person seeking the order resides ~~[in another]~~ *outside this* State; or

(b) The support-enforcement agency seeking the order is located ~~[in another]~~ *outside this* State.

2. The tribunal may issue a temporary child-support order if 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. 73. NRS 130.504 is hereby amended to read as follows:

130.504 An employer ~~[who]~~ *that* complies with an income-withholding order issued in another state in accordance with NRS 130.501 to 130.507, inclusive, is not subject to civil liability to a natural person or agency with regard to the withholding of child support by the employer from the income of the obligor.

Sec. 74. NRS 130.505 is hereby amended to read as follows:

130.505 An employer who willfully fails to comply with an income-withholding order issued ~~[by]~~ *in* another state and received for enforcement is subject to the same penalties that may be imposed for noncompliance with an order issued by a tribunal of this State.



Sec. 75. 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~~ in another state *or a foreign support order* 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. 76. NRS 130.601 is hereby amended to read as follows:

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

Sec. 77. NRS 130.602 is hereby amended to read as follows:

130.602 1. ~~[A]~~ *Except as otherwise provided in section 24 of this act, a* support order or income-withholding order of another state *or a foreign support order* may be registered in this State by sending the following records ~~and information~~ to the appropriate tribunal ~~in~~ of this State:

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

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

(c) A sworn statement by the 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) Except as otherwise provided in NRS 130.312, the name and address of the obligee and, if applicable, the person to whom support payments are to be remitted.

2. On receipt of a request for registration, the registering tribunal shall cause the order to be filed as ~~a foreign judgment,~~ *an*



order of another state or a foreign country, 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 tribunal 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 requesting registration shall give notice of the request to each party whose rights may be affected by the determination.

Sec. 78. NRS 130.603 is hereby amended to read as follows:

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

2. A registered *support* order issued in another state *or a foreign country* is enforceable in the same manner and is subject to the same procedures as an order issued by a tribunal of this State.

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


Sec. 79. NRS 130.604 is hereby amended to read as follows:

130.604 1. Except as otherwise provided in subsection 4, the law of the issuing state *or foreign country* governs:

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

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

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

2. In a proceeding for arrears under a registered support order, the statute of limitation of this State or of the issuing state  *or foreign country*, whichever is longer, applies.

3. A responding tribunal of this State shall apply the procedures and remedies of this State to enforce current support and



collect arrears and interest due on a support order of another state *or a foreign country* which is registered in this State.


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

Sec. 80. NRS 130.605 is hereby amended to read as follows:

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

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  *unless the registered order is pursuant to section 25 of this act;*

(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 *support enforcement agency or 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. 81. NRS 130.606 is hereby amended to read as follows:

130.606 1. A nonregistering party seeking to contest the validity or enforcement of a registered order in this State shall request a hearing within ~~[20 days after notice of the registration.]~~ *the time required by NRS 130.605.* The nonregistering party may seek to vacate the registration, to assert any defense to an allegation of noncompliance with the registered order, or to contest the remedies being sought or the amount of any alleged arrearages pursuant to NRS 130.607.

2. If the nonregistering party fails to contest the validity or enforcement of the registered *support* order in a timely manner, the order is confirmed by operation of law.

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

Sec. 82. NRS 130.607 is hereby amended to read as follows:

130.607 1. A party contesting the validity or enforcement of a registered *support* 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;

(g) The statute of limitation applicable pursuant to NRS 130.604 precludes enforcement of some or all of the alleged arrearages; 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]~~ *a* registered *support* order, continue the proceeding to permit production of additional relevant evidence and issue other appropriate orders. An uncontested portion of the registered *support* 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]~~ *a* registered



support order, the registering tribunal shall issue an order confirming the order.

Sec. 83. NRS 130.608 is hereby amended to read as follows:

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

Sec. 84. NRS 130.609 is hereby amended to read as follows:

130.609 A party or support-enforcement agency seeking to modify, or to modify and enforce, a child-support order issued in another state shall register that order in this State in the same manner provided in NRS 130.601 to ~~[130.604,]~~ *130.608*, inclusive, if the order has not been registered. A petition for modification may be filed at the same time as a request for registration or later. The pleading must specify the grounds for modification.

Sec. 85. 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 *support* order may be modified only if the requirements of NRS 130.611 ~~[, 130.6115]~~ or 130.613 have been met.

Sec. 86. NRS 130.611 is hereby amended to read as follows:

130.611 1. If NRS 130.613 does not apply, ~~[except as otherwise provided in NRS 130.6115,]~~ upon petition a tribunal of this State may modify a child-support order issued in another state which is registered in this State if, after notice and hearing, the tribunal finds that:

(a) The following requirements are met:

(1) Neither the child, nor the obligee who is a natural person, nor the obligor 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) This State is the state of residence of the child, or a party who is a natural person is subject to the personal jurisdiction of the tribunal of this State, and all of the parties who are natural persons have filed consents in a record in the issuing tribunal for a tribunal of this State to modify the support order and assume continuing and exclusive jurisdiction.

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.

3. ~~Except as otherwise provided in NRS 130.6115, a~~ 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, 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 tribunal of this State becomes the tribunal having continuing and exclusive jurisdiction.

6. Notwithstanding the provisions of this section and subsection 2 of NRS 130.201, a tribunal of this State retains jurisdiction to modify an order issued by a tribunal of this State if:

(a) One party resides in another state; and

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

Sec. 87. NRS 130.6115 is hereby amended to read as follows:

130.6115 1. ~~Except as otherwise provided in section 29 of this act, if~~ a foreign country ~~for political subdivision that is a state will not or may not modify its order~~ lacks or refuses to exercise jurisdiction to modify its child-support orders pursuant to its laws, a tribunal of this State may assume jurisdiction to modify the child-support order and bind all natural persons subject to the personal jurisdiction of the tribunal whether or not the consent to modification of a child-support order otherwise required of the natural person pursuant to NRS 130.611 has been given or whether the natural person seeking modification is a resident of this State or of the foreign country. ~~for political subdivision~~

2. An order issued *by a tribunal of this State modifying a foreign child-support order* pursuant to this section is the controlling order.

Sec. 88. 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 130.601 to 130.614, inclusive, 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 *and section 10 of this act* do not apply.

Sec. 89. NRS 130.10131 and 130.701 are hereby repealed.

Sec. 90. The amendatory provisions of this act apply to proceedings commenced on or after October 1, 2009, to establish a support order to determine parentage of a child or to register, recognize, enforce or modify a prior support order, determination or agreement, whenever issued or entered.

Sec. 91. This act becomes effective on the date that the provisions of The Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance is ratified by the President and the United States deposits its instrument of ratification.

