

HB 1603

AN ACT

Amending Titles 23 (Domestic Relations) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for sex trafficking and missing and abducted children; in uniform interstate family support, making extensive revisions to general provisions, jurisdiction, civil provisions of general application, establishment of support order, direct enforcement of order of another state without registration, enforcement and modification of support order after registration, determination of parentage, interstate rendition and miscellaneous provisions and providing for support proceeding under convention; and, in juvenile matters, further providing for definitions and for disposition of dependent children.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Title 23 of the Pennsylvania Consolidated Statutes is amended by adding a chapter to read:

CHAPTER 57

SEX TRAFFICKING AND MISSING AND ABDUCTED CHILDREN

Sec.

5701. Definitions.

5702. County responsibilities.

5703. Law enforcement responsibilities.

§ 5701. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Child." An individual who is under 21 years of age and meets one of the following:

(1) The county agency is conducting an assessment of the need for services.

(2) The county agency is conducting an investigation of suspected child abuse of the child under Chapter 63 (relating to child protective services).

(3) The county agency is providing services to the child.

"County agency." As defined in section 6303 (relating to definitions).

"Department." The Department of Human Services of the Commonwealth.

"Law enforcement." The law enforcement agency which is responsible for investigating cases of missing children under 18 Pa.C.S. § 2908 (relating to missing children).

"Sex trafficking victim." As defined under section 475 of the Social Security Act (49 Stat. 620, 42 U.S.C. § 675).
§ 5702. County responsibilities.

(a) Report of possible sex trafficking victims.--A county agency shall report to law enforcement as soon as practicable, but in no case later than 24 hours after receiving information about a child who:

(1) the county agency has reasonable cause to suspect of being at risk of being a sex trafficking victim; or

(2) the county agency identifies as being a sex trafficking victim.

(b) Child missing from residence or abducted.--A county agency shall report to law enforcement and to the National Center for Missing and Exploited Children as soon as practicable but no later than 24 hours after receiving information about a child who is missing from the child's residence or is abducted.

(c) Report to department.--The county agency shall report annually to the department the total number of children who are sex trafficking victims. The report shall be submitted in the form and by the deadline prescribed by the department.

§ 5703. Law enforcement responsibilities.

When law enforcement receives information from a county agency about a child who is missing from the child's residence or is abducted under section 5702(b) (relating to county responsibilities), law enforcement shall enter the information into the National Crime Information Center database.

Section 2. Section 7101 of Title 23 is amended to read:

§ 7101. Short title of part [and definitions].

[(a) Short title of part.--]This part shall be known and may be cited as the Uniform Interstate Family Support Act.

[(b) Definitions.--Subject to additional definitions contained in subsequent provisions of this part which are applicable to specific provisions of this part, the following words and phrases when used in this part shall have the meanings given to them in this section unless the context clearly indicates otherwise:

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

"Child support order." A support order for a child, including a child who has attained the age of majority under the law of the issuing state.

"Department." The Department of Public Welfare of the Commonwealth.

"Duty of support." An obligation imposed or imposable by law to provide support for a child, spouse or former spouse. The term includes an unsatisfied obligation to provide support.

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

"Income." The term includes earnings or other periodic entitlements to money from any source and any other property subject to withholding for support under the law of this State.

"Income-withholding order." An order or other legal process directed to an obligor's employer or other debtor, in accordance with section 4348 (relating to attachment of income), to withhold support from the income of the obligor.

"Initiating state." A state from which a proceeding is forwarded or in which a proceeding is filed for forwarding to a responding state under this part or a law or procedure substantially similar to this part, the Uniform Reciprocal Enforcement of Support Act or the Revised Uniform Reciprocal Enforcement of Support Act.

"Initiating tribunal." The authorized tribunal in an initiating state.

"Issuing state." The state in which a tribunal issues a support order or renders a judgment determining parentage.

"Issuing tribunal." The tribunal that issues a support order or renders a judgment determining parentage.

"Law." The term includes decisional and statutory law and rules and regulations having the force of law.

"Obligee." Any of the following:

(1) An individual to whom a duty of support is or is alleged to be owed or in whose favor a support order has been issued or a judgment determining parentage has been rendered.

(2) A state or political subdivision 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.

(3) An individual seeking a judgment determining parentage of the individual's child.

(4) The Department of Public Welfare.

"Obligor." An individual, or the estate of a decedent:

(1) that owes or is alleged to owe a duty of support;

(2) that is alleged but has not been adjudicated to be a parent of a child; or

(3) that is liable under a support order.

"Register." To record a support order or judgment determining parentage in the office designated by a court of common pleas.

"Registering tribunal." A tribunal in which a support order is registered.

"Responding state." A state in which a proceeding is filed or to which a proceeding is forwarded for filing from an initiating state under this part or a law or procedure

substantially similar to this part, the Uniform Reciprocal Enforcement of Support Act or the Revised Uniform Reciprocal Enforcement of Support Act.

"Responding tribunal." The authorized tribunal in a responding state.

"Secretary." The Secretary of Public Welfare of the Commonwealth.

"Spousal support order." A support order for a spouse or former spouse of the obligor.

"State." 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 an Indian tribe and a foreign jurisdiction that has enacted a law or established procedures for issuance and enforcement of support orders which are substantially similar to the procedures under this part or Part VIII-A (relating to intrastate family support).

"Support enforcement agency." A public official or agency authorized to seek:

- (1) enforcement of support orders or laws relating to the duty of support;
- (2) establishment or modification of child support;
- (3) determination of parentage; or
- (4) location of obligors or their assets.

"Support order." A judgment, decree or order, whether temporary, final or subject to modification, for the benefit of a child, a spouse or a former spouse, which provides for monetary support, health care, arrearages or reimbursement. The term includes related costs and fees, interest, income withholding, attorney fees and other relief.

"Tribunal." A court, administrative agency or quasi-judicial entity authorized to establish, enforce or modify support orders or to determine parentage.

"Tribunal of this State." A court of common pleas.]

Section 3. Title 23 is amended by adding a section to read:

§ 7101.1. Definitions.

Subject to additional definitions contained in subsequent provisions of this part which are applicable to specific provisions of this part, the following words and phrases when used in this part shall have the meanings given to them in this section unless the context clearly indicates otherwise:

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

"Child support order." A support order for a child, including a child who has attained the age of majority under the law of the issuing state or foreign country.

"Convention." The Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, concluded at the Hague on November 23, 2007.

"Department." The Department of Human Services of the Commonwealth.

"Duty of support." An obligation imposed or imposable by law to provide support for a child, spouse or former spouse. The term includes an unsatisfied obligation to provide support.

"Foreign country." A country, including a political subdivision of a country other than the United States, which authorized the issuance of support orders and:

(1) has been declared under the law of the United States to be a foreign reciprocating country;

(2) has established a reciprocal arrangement for child support with this State as provided in section 7308 (relating to supervisory duty);

(3) has enacted a law or established procedures for the issuance and enforcement of support orders which are substantially similar to the procedures under this part; or

(4) in which the convention is in force with respect to the United States.

"Foreign support order." A support order of a foreign tribunal.

"Foreign tribunal." 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.

"Home state." The state or foreign country in which a child lived with a parent or a person acting as parent for at least six consecutive months immediately preceding the time of filing of a petition or comparable pleading for support and, if a child is less than six months old, the state or foreign country in which the child lived from birth with the parent or such person. A period of temporary absence of the parent or such person is counted as part of the six-month or other period.

"Income." The term includes earnings or other periodic entitlements to money from any source and any other property subject to withholding for support under the law of this State.

"Income-withholding order." An order or other legal process directed to an obligor's employer or other debtor, in accordance with section 4348 (relating to attachment of income), to withhold support from the income of the obligor.

"Initiating tribunal." The tribunal of a state or a 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.

"Issuing foreign country." The foreign country in which a tribunal issues a support order or a judgment determining parentage of a child.

"Issuing state." The state in which a tribunal issues a support order or a judgment determining parentage of a child.

"Issuing tribunal." The tribunal of a state or a foreign country that issues a support order or a judgment determining parentage of a child.

"Law." The term includes decisional and statutory law and rules and regulations having the force of law.

"Obligee." Any of the following:

(1) An individual to whom a duty of support is or is alleged to be owed or in whose favor a support order or a judgment determining parentage of a child has been issued.

(2) A foreign country, state or political subdivision 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.

(3) An individual seeking a judgment determining parentage of the individual's child.

(4) The Department of Human Services.

(5) A person who is a creditor in a proceeding under Chapter 77A (relating to support proceeding under convention).

"Obligor." An individual or the estate of a decedent 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;

(3) is liable under a support order; or

(4) is a debtor in a proceeding under Chapter 77A (relating to support proceeding under convention).

"Outside this State." A location in another state or a country other than the United States, whether or not the country is a foreign country.

"Person." An individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision or agency or instrumentality or any other legal or commercial entity.

"Record." Information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

"Register." To record in a tribunal of this State a support order or judgment determining parentage of a child issued in another state or foreign country.

"Registering tribunal." A tribunal in which a support order or judgment determining parentage of a child is registered.

"Responding state." A state in which a petition or comparable pleading for support or to determine parentage of a child is filed or to which a petition or comparable pleading is forwarded for filing from another state or foreign country.

"Responding tribunal." The authorized tribunal in a responding state or foreign country.

"Secretary." The Secretary of Human Services of the Commonwealth.

"Spousal support order." A support order for a spouse or former spouse of the obligor.

"State." A state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any

territory or insular possession under the jurisdiction of the United States. The term includes an Indian nation tribe.

"Support enforcement agency." A public official, governmental entity or private agency authorized to:

- (1) seek enforcement of support orders or laws relating to the duty of support;
 - (2) seek establishment or modification of child support;
 - (3) request determination of parentage of a child;
 - (4) attempt to locate obligors or assets of an obligor;
- or
- (5) request determination of the controlling child support order.

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

"Tribunal." A court, administrative agency or quasi-judicial entity authorized to establish, enforce or modify support orders or to determine parentage.

"Tribunal of this State." A court of common pleas.

Section 4. Section 7102 of Title 23 is repealed:

[§ 7102. Remedies cumulative.

Remedies provided by this part are cumulative and do not affect the availability of remedies under other law.]

Section 5. Title 23 is amended by adding sections to read:

§ 7103. State tribunal and support enforcement agency.

(a) Tribunals.--The courts of common pleas are the tribunals of this State.

(b) Support enforcement agency.--The department's Bureau of Child Support Enforcement is the support enforcement agency of this State.

§ 7104. Cumulative remedies.

(a) Remedies.--Remedies provided by this part are cumulative and do not affect the availability of remedies under other law or the recognition of a foreign support order on the basis of comity.

(b) Limitations.--This part does not:

- (1) provide the exclusive method of establishing or enforcing a support order under the law of this State; or
- (2) 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 part.

§ 7105. Application of part to resident of foreign country and foreign support proceeding.

(a) Applicability.--A tribunal of this State shall apply Chapter 71 (relating to general provisions), 72 (relating to jurisdiction), 73 (relating to civil provisions of general

application), 74 (relating to establishment of support order or determination of parentage), 75 (relating to enforcement of support order without registration) or 76 (relating to registration, enforcement and modification of support order) and, as applicable, Chapter 77A (relating to support proceeding under convention), to a support proceeding involving any of the following:

- (1) A foreign support order.
- (2) A foreign tribunal.
- (3) An obligee, obligor or child residing in a foreign country.

(b) **Discretionary.**--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 Chapter 71, 72, 73, 74, 75 or 76.

(c) **Limitations.**--Chapter 77A applies only to a support proceeding under the convention. In a proceeding, if a provision of Chapter 77A is inconsistent with Chapter 71, 72, 73, 74, 75 or 76, Chapter 77A shall control.

Section 6. Section 7201 of Title 23 is amended to read:
§ 7201. Bases for jurisdiction over nonresident.

(a) **Jurisdiction.**--In a proceeding to establish[, enforce or modify] **or enforce** a support order or to determine parentage **of a child**, a tribunal of this State may exercise personal jurisdiction over a nonresident individual or the individual's guardian or conservator if any of the following apply:

- (1) The individual is personally served with a writ of summons, complaint or other appropriate pleading within this State.
- (2) The individual 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.
- (3) The individual resided with the child in this State.
- (4) The individual resided in this State and provided prenatal expenses or support for the child.
- (5) The child resides in this State as a result of the acts or directives of the individual.
- (6) The individual engaged in sexual intercourse in this State and the child may have been conceived by that act of intercourse.
- (7) The individual acknowledged parentage of the child on a form filed with the department under section 5103 (relating to acknowledgment and claim of paternity).
- (8) There is any other basis consistent with the constitutions of this State and the United States for the exercise of personal jurisdiction.

(b) **Modification.**--The bases of personal jurisdiction set forth in subsection (a) or in any other law of this State may not be used to acquire personal jurisdiction for a tribunal of this State to modify a child support order of another state unless the requirements of section 7611 (relating to

modification of child support order of another state) are met or, in the case of a foreign support order, unless the requirements of section 7615 (relating to jurisdiction to modify child support order of a foreign country) are met.

Section 7. Section 7202 of Title 23 is repealed:
[§ 7202. Procedure when exercising jurisdiction over nonresident.

A tribunal of this State exercising personal jurisdiction over a nonresident under section 7201 (relating to bases for jurisdiction over nonresident) may apply section 7316 (relating to special rules of evidence and procedure) to receive evidence from another state and section 7318 (relating to assistance with discovery) to obtain discovery through a tribunal of another state. In all other respects, Chapters 73 (relating to civil provisions of general application) through 77 (relating to determination of parentage) 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 part.]

Section 8. Title 23 is amended by adding a section to read:
§ 7202.1. Duration of personal jurisdiction.

Personal jurisdiction acquired by a tribunal of this State in a proceeding under this part or other law of this State relating to a support order continues as long as a tribunal of this State has continuing exclusive jurisdiction to modify the tribunal's order or continuing jurisdiction to enforce the tribunal's order as provided by sections 7205 (relating to continuing, exclusive jurisdiction to modify child support orders), 7206 (relating to continuing jurisdiction to enforce child support orders) and 7211 (relating to continuing, exclusive jurisdiction to modify spousal support order).

Section 9. Subchapter B heading of Chapter 72 of Title 23 is amended to read:

SUBCHAPTER B
PROCEEDINGS INVOLVING TWO OR MORE STATES
OR A FOREIGN COUNTRY

Section 10. Sections 7203, 7204, 7205, 7206, 7207, 7208 and 7209 of Title 23 are amended to read:

§ 7203. Initiating and responding tribunal of this State.

Under this part, 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 a foreign country**.

§ 7204. Simultaneous proceedings [in another state].

(a) Permissible.--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 all of the following apply:

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

challenging the exercise of jurisdiction by the other state **or a foreign country**.

(2) The contesting party timely challenges the exercise of jurisdiction in the other state **or a foreign country**.

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

(b) Impermissible.--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 all of the following apply:

(1) The petition or comparable pleading in the other state **or a 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.

(2) The contesting party timely challenges the exercise of jurisdiction in this State.

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

§ 7205. Continuing, exclusive jurisdiction **to modify child support orders**.

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

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

(2) [until all of the] **even if this State is not the residence of the obligor, the individual obligee or the child for whose benefit the support order is issued, the parties** [who are individuals have filed written consent with the tribunal of this State for a tribunal of another state to modify the order and assume continuing, exclusive jurisdiction.] **consent in a record or in open court that the tribunal of this State may continue to exercise jurisdiction to modify the order**.

(b) Restriction.--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, **exclusive** jurisdiction to modify the order if [the order has been modified by a tribunal of another state pursuant to a law substantially similar to this part]:

(1) **all of the parties who are individuals 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 an individual or that is located in the state of residence of the child, may modify the order and assume continuing, exclusive jurisdiction; or**

(2) the order is not the controlling order.

[(c) Modification.--If a child support order of this State is modified by a tribunal of another state pursuant to a law substantially similar to this part, a tribunal of this State loses its continuing, exclusive jurisdiction with regard to prospective enforcement of the order issued in this State and may only do the following:

- (1) Enforce the order that was modified as to amounts accruing before the modification.
- (2) Enforce nonmodifiable aspects of that order.
- (3) Provide other appropriate relief for violations of that order which occurred before the effective date of the modification.]

(d) Faith and credit.--[A tribunal of this State shall recognize the continuing, exclusive jurisdiction of a tribunal of another state which has issued a child support order pursuant to a law substantially similar to this part.] **If a tribunal of another state has issued a child support order under a law substantially similar to this part which modifies a child support order of a tribunal of this State, tribunals of this State shall recognize the continuing, exclusive jurisdiction of the tribunal of the other state.**

(d.1) Modification.--A tribunal of this State that lacks continuing, 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.

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

[(f) Duration and modification of spousal support orders.--A tribunal of this State issuing a support order consistent with the law of this State has continuing, 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, exclusive jurisdiction over that order under the law of that state.]

§ 7206. [Enforcement and modification of support order by tribunal having continuing jurisdiction.] **Continuing jurisdiction to enforce child support orders.**

(a) Initiating tribunal.--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.]:

- (1) **the order, if the order is the controlling order and has not been modified by a tribunal of another state that assumed jurisdiction under a law substantially similar to this part; or**
- (2) **a money judgment for arrears of support and interest on the order that accrued before a determination that an**

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

(b) Responding tribunal.--A tribunal of this State having continuing[, 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, exclusive jurisdiction of the tribunal no longer resides in the issuing state, in subsequent proceedings, the tribunal may apply section 7316 (relating to special rules of evidence and procedure) to receive evidence from another state and section 7318 (relating to assistance with discovery) to obtain discovery through a tribunal of another state.

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

§ 7207. [Recognition] **Determination** of controlling child support order.

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

(a.1) Multiple orders.--If a proceeding is brought under this part 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 the individual obligee** shall apply the following rules [in determining which order to recognize for purposes of continuing, exclusive jurisdiction] **and by order shall determine which order controls and must be recognized:**

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

(2) If more than one of the tribunals would have continuing, exclusive jurisdiction under this part, an order issued by a tribunal in the current home state of the child controls and must be so recognized, but, if an order has not been issued in the current home state of the child, the order most recently issued controls and must be so recognized.

(3) If none of the tribunals would have continuing, exclusive jurisdiction under this part, the tribunal of this State [having jurisdiction over the parties] shall issue a child support order, which controls [and must be so recognized].

(a.2) Request to determine controlling order.--If two or more child support orders have been issued for the same obligor and the **same** child [and if the obligor or the individual obligee resides in this State], **upon request of a party who is an individual or which is a support enforcement agency**, [may request] a tribunal of this State [to] **having personal jurisdiction over both the obligor and the obligee who is an**

individual shall determine which order controls [and must be so recognized] under subsection (a.1). The request may be filed with a registration for enforcement or registration for modification under Chapter 76 (relating to registration, enforcement and modification of support order) or may be filed as a separate proceeding. The request to determine which is the controlling order must be accompanied by a [certified] 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.

(b) **Exclusive jurisdiction.--The tribunal that issued the controlling order under subsection (a), (a.1) or (a.2) is the tribunal that has continuing[, exclusive] jurisdiction under section 7205 (relating to continuing, exclusive jurisdiction to modify child support orders) or 7206 (relating to continuing jurisdiction to enforce child support orders).**

(c) **Basis of order.--A tribunal of this State which determines by order the identity of the controlling order under subsection (a.1)(1) or (2) or (a.2) or which issues a new controlling order under subsection (a.1)(3) shall state all of the following in that order [the]:**

(1) **The basis upon which the tribunal made its determination.**

(2) **The amount of prospective support, if any.**

(3) **The total amount of consolidated arrears and accrued interest, if any, under all of the orders after all payments made are credited under section 7209 (relating to credit for payments).**

(d) **Filing of copy of order.--Within 30 days after issuance of an order determining the identity of the controlling order, the party obtaining the determining order shall file a certified copy of it with each tribunal that issued or registered an earlier order of child support. A party [who] or support enforcement agency that obtains a determining order and fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. Failure to file a copy of the determining order does not affect the validity or enforceability of the controlling order.**

(e) **Recognition.--An order which has been determined to be the controlling order or a judgment for consolidated arrears of support and interest, if any, made under this section must be recognized in proceedings under this part.**

§ 7208. **Multiple child support orders for two or more obligees.**

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

§ 7209. **Credit for payments.**

Amounts collected and credited for a particular period pursuant to a **child** support order issued by a tribunal of another state or a **foreign country** must be credited against the amounts accruing or accrued for the same period under a **child** support order **for the same child** issued by the tribunal of this State.

Section 11. Title 23 is amended by adding sections to read:
§ 7210. Application of part to nonresident subject to personal jurisdiction.

A tribunal of this State exercising personal jurisdiction over a nonresident in a proceeding under this part, under other law of this State relating to a support order or recognizing a foreign support order, may receive evidence from outside this State under section 7316 (relating to special rules of evidence and procedure), communicate with a tribunal outside this State pursuant to section 7317 (relating to communications between tribunals) and obtain discovery through a tribunal outside this State under section 7318 (relating to assistance with discovery). In all other respects, Chapter 71 (relating to general provisions), 72 (relating to jurisdiction), 73 (relating to civil provisions of general application), 74 (relating to establishment of support order or determination of parentage), 75 (relating to enforcement of support order without registration) or 76 (relating to registration, enforcement and modification of support order) do not apply, and the tribunal shall apply the procedural and substantive law of this State.

§ 7211. Continuing, exclusive jurisdiction to modify spousal support order.

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

(b) **Prohibition.**--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, exclusive jurisdiction over that order under the law of that state or foreign country.

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

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

(2) a responding tribunal to enforce or modify the spousal support order issued by the tribunal.

Section 12. Sections 7301, 7304(b), 7305, 7307, 7308, 7310, 7311, 7312, 7313, 7316, 7317, 7318 and 7319 of Title 23 are amended to read:

§ 7301. Proceedings under this part.

(a) **Scope.**--Except as otherwise provided in this part, this Chapter applies to all proceedings under this part.

[(b) **Proceedings.**--This part provides for the following proceedings:

(1) Establishment of an order for spousal support or child support pursuant to Chapter 74 (relating to establishment of support order).

(2) Enforcement of a support order and income-withholding order of another state without registration pursuant to Chapter 75 (relating to direct enforcement of order of another state without registration).

(3) Registration of an order for spousal support or child support of another state for enforcement pursuant to Chapter 76 (relating to enforcement and modification of support order after registration).

(4) Modification of an order for child support or spousal support issued by a tribunal of this State pursuant to Subchapter B of Chapter 72 (relating to proceedings involving two or more states).

(5) Registration of an order for child support of another state for modification pursuant to Chapter 76.

(6) Determination of parentage pursuant to Chapter 77 (relating to determination of parentage).

(7) Assertion of jurisdiction over nonresidents pursuant to Subchapter A of Chapter 72 (relating to extended personal jurisdiction).]

(c) Commencement.--An individual petitioner or a support enforcement agency may commence a proceeding authorized under this part 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.

§ 7304. Duties of initiating tribunal.

* * *

(b) Special circumstances.--

(1) If [a responding state has not enacted this part or a law or procedure substantially similar to this part] **requested by the responding tribunal**, a tribunal of this State [may] **shall** issue a certificate or other document and make findings required by the law of the responding state.

(2) If the responding [state is a foreign jurisdiction] **tribunal is in a foreign country, upon request**, the tribunal [may] **of this State shall** specify the amount of support sought, **convert that amount into the equivalent amount in the foreign currency under applicable official or market exchange rates as publicly reported** and provide other documents necessary to satisfy the requirements of the responding [state] **foreign tribunal**.

§ 7305. Duties and powers of responding tribunal.

(a) Filing and notice.--If a responding tribunal of this State receives a petition or comparable pleading from an initiating tribunal or directly pursuant to section 7301(c) (relating to proceedings under this part), it shall cause the petition or pleading to be filed and notify the petitioner where and when it was filed.

(b) Action.--A responding tribunal of this State, to the extent otherwise [authorized] **not prohibited** by law, may do any of the following:

(1) [Issue] **Establish** or enforce a support order, modify a child support order, **determine the controlling child support order** or [render a judgment to] determine parentage **of a child**.

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

(3) Order income withholding.

(4) Determine the amount of any arrearages and specify a method of payment.

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

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

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

(8) Order an obligor to keep the tribunal informed of the obligor's current residential address, **e-mail address**, telephone number, employer, address of employment and telephone number at the place of employment.

(9) 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 state and local computer systems for criminal warrants.

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

(11) Award reasonable attorney fees and other fees and costs.

(12) Grant any other available remedy.

(c) Calculations.--A responding tribunal of this State shall include in a support order issued under this part or in the documents accompanying the order the calculations on which the support order is based.

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

(e) Notice.--If a responding tribunal of this State issues an order under this part, the tribunal shall send a copy of the order to the petitioner and the respondent and to the initiating agency or tribunal, if any.

(f) **Foreign currency**--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 rates as publicly reported.

§ 7307. Duties of support enforcement agency.

(a) General duty.--[A support enforcement agency of this State upon request shall provide services to a petitioner in a

proceeding under this part.] In a proceeding under this part, a support enforcement agency of this State, upon request:

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

(2) Shall provide services to a petitioner requesting services through a central authority of a foreign country as defined in paragraph (1) or (4) of the definition of "foreign country" in section 7101.1 (relating to definitions).

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

(b) Specific duties.--A support enforcement agency that is providing services to the petitioner [as appropriate] shall do all of the following:

(1) 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.

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

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

(4) Within two 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.

(5) Within two days, exclusive of Saturdays, Sundays and legal holidays, after receipt of a [written] communication in a record from the respondent or the respondent's attorney, send a copy of the communication to the petitioner.

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

(b.1) Registration.--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 to do one of the following:

(1) Ensure that the order to be registered is the controlling order.

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

(b.2) Conversion.--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 rates as publicly reported.

(b.3) Payment.--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 under section 7319 (relating to receipt and disbursement of payments).

(c) Fiduciaries.--This part 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 individual being assisted by the agency.

§ 7308. Supervisory duty.

(a) Secretary.--If the secretary determines that a support enforcement agency is neglecting or refusing to provide services to an individual, the secretary may order the agency to perform its duties under this part or may provide those services directly to the individual.

(b) Reciprocity.--The secretary 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.

§ 7310. Duties of department.

(a) Designation.--The department is the State information agency under this part.

(b) Duties.--The department shall do all of the following:

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

(2) Maintain a register of tribunals and support enforcement agencies received from other states.

(3) Forward to the appropriate tribunal in the place in this State in which the individual obligee or the obligor resides, or in which the obligor's property is believed to be located, documents concerning a proceeding under this part received from [an initiating tribunal or the state information agency of the initiating state] **another state or a foreign country.**

(4) Obtain information concerning the location of the obligor and the obligor's property within this State not exempt from execution by such means as postal verification; 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, those relating to real property, vital statistics, law enforcement, taxation, motor vehicles, driver's licenses and Social Security.

[(5) Transmit to another state, electronically or by another method, a request for assistance in a case involving enforcement of a support order containing sufficient information to enable the state to which the request is transmitted to compare the transmitted information to the information of that state. The transmittal shall constitute a certification of arrears and that the state has complied with

all procedural due process requirements applicable to the case.

(6) A response to a request for assistance received from another state under this part must be completed by the responding Commonwealth tribunal. The response, which may be transmitted electronically or by other methods, shall confirm the receipt of the request, action taken, amount of support collected and any additional information or action required by the requesting tribunal to obtain enforcement of the child support obligation.]

§ 7311. Pleadings and accompanying documents.

(a) Verification and content.--[A] **In a proceeding under this part, a petitioner seeking to establish [or modify] a support order [or] to determine parentage [in a proceeding under this part must verify the] 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 under section 7312 (relating to nondisclosure of information in exceptional circumstances), 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 or whose parentage is to be determined.** [The] **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.

(b) Relief.--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.

§ 7312. Nondisclosure of information in exceptional circumstances.

[Upon a finding, which may be made ex parte, that the health, safety or liberty of a party or child would be unreasonably put at risk by the disclosure of identifying information or if an existing order so provides, a tribunal shall order that the address of the child or party or other identifying information not be disclosed in a pleading or other document filed in a proceeding under this part.] **If a party alleges in an affidavit or a pleading under oath that the health, safety or liberty of a party or child would be jeopardized by disclosure of the specific identifying information, the specific identifying information must be sealed and may not be disclosed to the other party or the public. After a hearing in which the tribunal takes into consideration the health, safety or liberty of the party or child, the tribunal may order disclosure of**

information that the tribunal determines to be in the interest of justice.

§ 7313. Costs and fees.

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

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

(c) Dilatory actions.--The tribunal shall order the payment of costs and reasonable attorney fees if it determines that a hearing was requested primarily for delay. In a proceeding under Chapter 76 (relating to **registration**, enforcement and modification of support order [after registration]), a hearing is presumed to have been requested primarily for delay if a registered support order is confirmed or enforced without change.

§ 7316. Special rules of evidence and procedure.

(a) Physical presence.--The physical presence of [the petitioner in a responding] **a nonresident party who is an individual 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**.

(b) Hearsay exception.--A [verified] petition, affidavit or document, substantially complying with federally mandated forms, and a document incorporated by reference in any of them, not excluded under the hearsay rule if given in person, [is] **are** admissible in evidence if given under [oath] **penalty of perjury** by a party or witness residing [in another state] **outside this State**.

(c) Payment record.--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 in it and is admissible to show whether payments were made.

(d) Bills.--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 ten days before trial, are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary and customary.

(e) Transmission of documentary evidence.--Documentary evidence transmitted from [another state] **outside this State** to a tribunal of this State by telephone, telecopier or other

electronic means that do not provide an original [writing] **record** may not be excluded from evidence on an objection based on the means of transmission.

(f) Testimony.--In a proceeding under this part, a tribunal of this State may permit a party or witness residing [in another state] **outside this State** to be deposed or to testify **under penalty of perjury** 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 [a tribunal of another state] **other tribunals** in designating an appropriate location for the deposition or testimony.

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

(h) Spousal communications.--A privilege against disclosure of communications between spouses does not apply in a proceeding under this part.

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

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

§ 7317. Communications between tribunals.

A tribunal of this State may communicate with a tribunal [of another state] **outside this State** in [writing] **a record** or by telephone, **e-mail** or other means to obtain information concerning the laws [of that state]; the legal effect of a judgment, decree or order of that tribunal; and the status of a proceeding [in the other state]. A tribunal of this State may furnish similar information by similar means to a tribunal [of another state] **outside this State**.

§ 7318. Assistance with discovery.

A tribunal of this State may do all of the following:

(1) Request a tribunal [of another state] **outside this State** to assist in obtaining discovery.

(2) Upon request, compel a person [over whom it has] **subject to its** jurisdiction to respond to a discovery order issued by a tribunal [of another state] **outside this State**.

§ 7319. Receipt and disbursement of payments.

(a) **Payments.--**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] **outside this State or of a foreign country** a certified statement by the custodian of the record of the amounts and dates of all payments received.

(b) **Residency.--**If the obligor, the obligee who is an individual and the child do not reside in this State, upon request from the support enforcement agency of this State or

another state, the support enforcement agency of this State or a tribunal of this State shall do all of the following:

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

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

(c) Certificated records.--The support enforcement agency of this State receiving redirected payments from another state under a law similar to subsection (b) 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.

Section 13. The heading of Chapter 74 of Title 23 is amended to read:

CHAPTER 74
ESTABLISHMENT OF SUPPORT ORDER
OR DETERMINATION OF PARENTAGE

Section 14. Section 7401 of Title 23 is amended to read:
§ 7401. [Petition to establish] **Establishment of support order.**

(a) Jurisdiction.--If a support order entitled to recognition under this part has not been issued, a responding tribunal of this State **with personal jurisdiction over the parties** may issue a support order if any of the following apply:

(1) The individual seeking the order resides [in another state] **outside this State.**

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

(b) Temporary orders.--The tribunal may issue a temporary child support order if **the tribunal determines that an order is appropriate and the individual ordered to pay is** any of the following [apply:

(1) The respondent has signed a verified statement acknowledging parentage.

(2) The respondent has been determined by or pursuant to law to be the parent.

(3) There is other clear and convincing evidence that the respondent is the child's parent.]:

(1) **A presumed father of the child.**

(2) **Petitioning to have his paternity adjudicated.**

(3) **Identified as the father of the child through genetic testing.**

(4) **An alleged father who has declined to submit to genetic testing.**

(5) **Shown by clear and convincing evidence to be the father of the child.**

(6) **An acknowledged father as provided by applicable state law.**

(7) **The mother of the child.**

(8) **An individual who has been ordered to pay child support in a previous proceeding and the order has not been reversed or vacated.**

(c) Relief.--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 section 7305 (relating to duties and powers of responding tribunal).

Section 15. Title 23 is amended by adding a section to read:
§ 7402. Proceeding to determine parentage.

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 part or a law or procedure substantially similar to this part.

Section 16. The heading of Chapter 75 of Title 23 is amended to read:

CHAPTER 75

[DIRECT] ENFORCEMENT OF **SUPPORT** ORDER [OF ANOTHER STATE]
WITHOUT REGISTRATION

Section 17. Sections 7501, 7501.4, 7501.5 and 7502(a) of Title 23 are amended to read:

§ 7501. Employer's receipt of income-withholding order of another state.

An income-withholding order issued in another state may be sent **by or on behalf of the obligee, or by the support enforcement agency**, to the person or entity defined as the obligor's employer under section 4302 (relating to definitions) without first filing a petition or comparable pleading or registering the order with a tribunal of this State.

§ 7501.4. Penalties for noncompliance.

An employer [who] **that** willfully fails to comply with an income-withholding order issued [by a tribunal of] **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.

§ 7501.5. Contest by obligor.

An obligor may contest the validity or enforcement of an income-withholding order issued in another state and received directly by an employer in this State [in the same manner as if the order had been issued] by **registering the order in a tribunal of this State and filing a contest to that order as provided in Chapter 76 (relating to registration, enforcement and modification of support order) or otherwise contesting the order in the same manner as if the order had been issued by a tribunal of this State.** [Section 7604 (relating to choice of law) applies to such a contest.] The obligor shall give notice of the contest to:

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

(2) each employer that has directly received an income-withholding order **relating to the obligor**; and

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

§ 7502. Administrative enforcement of orders.

(a) Initiation.--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 support order issued by a foreign country** may send the documents required for registering the order to a support enforcement agency of this State.

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Section 18. The heading of Chapter 76 of Title 23 is amended to read:

CHAPTER 76
REGISTRATION, ENFORCEMENT AND MODIFICATION
OF SUPPORT ORDER [AFTER REGISTRATION]

Section 19. The heading of Subchapter A of Chapter 76 of Title 23 is amended to read:

SUBCHAPTER A
REGISTRATION [AND] FOR ENFORCEMENT
OF SUPPORT ORDER

Section 20. Sections 7601, 7602, 7603, 7604, 7605, 7606, 7607 and 7608 of Title 23 are amended to read:

§ 7601. Registration of order for enforcement.

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

§ 7602. Procedure to register order for enforcement.

(a) General rule.--[A] **Except as otherwise provided in section 77A06 (relating to registration of convention support order), a support order or income-withholding order of another state or a foreign support order** may be registered in this State by sending **all of** the following [documents and information] **records** to the appropriate tribunal in this State:

(1) A letter of transmittal to the tribunal requesting registration and enforcement.

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

(3) 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.

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

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

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

(iii) a description and the location of property of the obligor in this State not exempt from execution.

(5) [The] **Except as set forth in section 7312 (relating to nondisclosure of information in exceptional circumstances), the name and address of the obligee and, if**

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

(b) Docketing.--On receipt of a request for registration, the registering tribunal shall file the order as [a foreign judgment] **an order of a tribunal of another state or a foreign support order**, together with one copy of the documents and information, regardless of their form.

(c) Simultaneous relief.--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.

(d) **Multiple orders.**--If two or more orders are in effect, the person requesting registration shall do all of the following:

(1) **Furnish to the tribunal a copy of every support order asserted to be in effect in addition to the documents specified in this section.**

(2) **Specify the order alleged to be the controlling order, if any.**

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

(e) **Request for determination.**--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.

§ 7603. Effect of registration for enforcement.

(a) Procedure.--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.

(b) Enforcement.--A registered **support** order issued in another state **or a foreign county** is enforceable in the same manner and is subject to the same procedures as an order issued by a tribunal of this State.

(c) Faith and credit.--Except as otherwise provided in this chapter, a tribunal of this State shall recognize and enforce but may not modify a registered **support** order if the issuing tribunal had jurisdiction.

§ 7604. Choice of law.

(a) General rule.--[The] **Subject to subsection (d), the law of the issuing state or foreign country governs the following:**

(1) **The nature, extent, amount and duration of current payments [and other obligations of support and the] under a registered support order.**

(2) **The computation and payment of arrearages and accrual of interest on the arrearages under the support order.**

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

(b) Proceeding for arrearages.--In a proceeding for arrearages **under a registered support order**, the statute of limitation under the laws of this State or of the issuing state **or foreign country**, whichever is longer, applies.

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

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

§ 7605. Notice of registration of order.

(a) Requirement.--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. The notice must be accompanied by a copy of the registered order and the documents and relevant information accompanying the order.

(b) Contents.--The notice must inform the nonregistering party of all of the following:

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

(2) That a hearing to contest the validity or enforcement of the registered order must be requested within 20 days after [the date of mailing or personal service of the] notice **unless the registered order is under section 77A07 (relating to contest of registered convention support order)**.

(3) 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 will preclude further contest of that order with respect to any matter that could have been asserted].

(4) The amount of any alleged arrearages.

(b.1) Multiple orders.--If the registering party asserts that two or more orders are in effect, a notice must also do all the following:

(1) Identify the two or more orders and order alleged by the registering party to be the controlling order and the consolidated arrearages, if any.

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

(3) State that the procedure under subsection (b) applies to the determination of which is the controlling order.

(4) State that the 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.

(c) Employer.--Upon registration of an income-withholding order for enforcement, the **support enforcement agency or the** registering tribunal shall notify the obligor's employer pursuant to section 4348 (relating to attachment of income). § 7606. Procedure to contest validity or enforcement of registered **support** order.

(a) Action.--A nonregistering party seeking to contest the validity or enforcement of a registered **support** order in this State must request a hearing within [20 days after the date of mailing or personal service of notice of the registration] **the time required under section 7605 (relating to notice of registration of order)**. 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 section 7607 (relating to contest of registration or enforcement).

(b) Inaction.--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.

(c) Hearing.--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.

§ 7607. Contest of registration or enforcement.

(a) Defenses.--A party contesting the validity or enforcement of a registered **support** order or seeking to vacate the registration has the burden of proving any of the following defenses:

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

(2) The order was obtained by fraud.

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

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

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

(6) Full or partial payment has been made.

(7) The statute of limitation under section 7604 (relating to choice of law) precludes enforcement of some or all of the arrearages.

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

(b) Relief.--If a party presents evidence establishing a full or partial defense under subsection (a), 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.

(c) Affirmance.--If the contesting party does not establish a defense under subsection (a) to the validity or enforcement of [the] **a registered support** order, the registering tribunal shall issue an order confirming the order.

§ 7608. Confirmed order.

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.

Section 21. The heading of Subchapter C of Chapter 76 of Title 23 is amended to read:

SUBCHAPTER C
REGISTRATION AND MODIFICATION OF CHILD
SUPPORT ORDER OF ANOTHER STATE

Section 22. Sections 7609, 7610, 7611, 7612 and 7613 of Title 23 are amended to read:

§ 7609. Procedure to register child support order of another state for modification.

A party or support enforcement agency seeking to modify or to modify and enforce a child support order issued in another state must register that order in this State in the same manner provided in Subchapter A (relating to registration [and] **for enforcement of support order**) **or B (relating to contest of validity or enforcement)** 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.

§ 7610. Effect of registration for modification.

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 section 7611 (relating to modification of child support order of another state) **or 7613 (relating to jurisdiction to modify child support order of another state when individual parties reside in this State)** have been met.

§ 7611. Modification of child support order of another state.

(a) Authority.--After a child support order issued in another state has been registered in this State, the responding tribunal of this State may modify that order, **upon petition**, only if section 7613 (relating to jurisdiction to modify child support order of another state when individual parties reside in this State) does not apply and after notice and hearing it finds [that] **one of the following**:

(1) The following requirements are met:

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

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

(iii) the respondent is subject to the personal jurisdiction of the tribunal of this State.

(2) [The] **This State is the residence of the** child, or a party who is an individual[,] is subject to the personal jurisdiction of the tribunal of this State; and all of the parties who are individuals have filed [written] consents **in a record** in the issuing tribunal for a tribunal of this State to modify the support order and assume continuing, exclusive jurisdiction over the order. [If the issuing state is a foreign jurisdiction which has not enacted a law or established procedures substantially similar to procedures under this part, the consent otherwise required of an individual residing in this State is not required for the tribunal to assume jurisdiction to modify the child support order.]

(b) General rule.--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.

(c) Restriction.--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 child, the order that controls and must be so recognized under section 7207 (relating to [recognition] **determination** of controlling child support order) establishes the aspects of the support order which are not modifiable.

(c.1) **Modification**.--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.

(d) Continuing, exclusive jurisdiction.--On issuance of an order **by a tribunal of this State** modifying a child support order issued in another state, a tribunal of this State becomes the tribunal of continuing, exclusive jurisdiction.

(f) **Retained jurisdiction**.--Notwithstanding subsection (a), (b), (c) or (d) or section 7201(b) (relating to bases for jurisdiction over nonresident), a tribunal of this State retains jurisdiction to modify an order issued by a tribunal of this State if the following are met:

(1) One party resides in another state.

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

§ 7612. Recognition of order modified in another state.

[A tribunal of this State shall recognize a modification of its earlier child support order by a tribunal of another state which assumed jurisdiction pursuant to a law substantially

similar to this part and, upon request, except as otherwise provided in this part, shall do all of the following:] **If a child support order issued by a tribunal of this State is modified by a tribunal of another state which assumed jurisdiction under a law substantially similar to this part, all of the following are available to a tribunal of this State:**

(1) [Enforce] **A tribunal may enforce** the order that was modified only as to [amounts] **arrears and interest** accruing before the modification.

[(2) Enforce only nonmodifiable aspects of that order.]

(3) [Provide other] **A tribunal may provide** appropriate relief [only] for violations of that order which occurred before the effective date of the modification.

(4) [Recognize] **A tribunal shall recognize** the modifying order of the other state upon registration for the purpose of enforcement.

§ 7613. Jurisdiction to modify child support order of another state when individual parties reside in this State.

(a) General rule.--If all of the parties who are individuals 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 issuing state's child support order in a proceeding to register that order.

(b) Applicable law.--A tribunal of this State exercising jurisdiction under this section shall apply the provisions of Chapters 71 (relating to general provisions) and 72 (relating to jurisdiction), this Chapter and the procedural and substantive law of this State to the proceeding for enforcement or modification. Chapters 73 (relating to civil provisions of general application), 74 (relating to establishment of support order **or determination of parentage**), 75 (relating to [direct] enforcement of **support** order [of another state] without registration), [77 (relating to determination of parentage)] **77A (relating to support proceeding under convention)** and 78 (relating to interstate rendition) do not apply.

Section 23. Chapter 76 of Title 23 is amended by adding a subchapter to read:

**SUBCHAPTER D
REGISTRATION AND MODIFICATION
OF FOREIGN CHILD SUPPORT ORDER**

Sec.

7615. Jurisdiction to modify child support order of a foreign country.

7616. Procedure to register child support order of a foreign country for modification.

§ 7615. Jurisdiction to modify child support order of a foreign country.

(a) Jurisdiction.--Except as otherwise provided under section 77A11 (relating to modification of convention child support order), if a foreign country lacks or refuses to exercise jurisdiction to modify a child support order issued by the foreign country under the foreign country's laws, a tribunal

of this State may assume jurisdiction to modify the child support order and bind all individuals subject to the personal jurisdiction of the tribunal whether the consent to modification of a child support order otherwise required of the individual under section 7611 (relating to modification of child support order of another state) has been given or whether the individual seeking modification is a resident of this State or of a foreign country.

(b) Controlling order.--An order issued by a tribunal of this State modifying a foreign child support order under this section is the controlling order.

§ 7616. Procedure to register child support order of a foreign country for modification.

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 Subchapter A (relating to registration for enforcement of support order) or B (relating to contest of validity or enforcement) 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 another time. The petition must specify the grounds for modification.

Section 24. Chapter 77 of Title 23 is repealed:

[CHAPTER 77

DETERMINATION OF PARENTAGE

§ 7701. Proceeding to determine parentage.

(a) Jurisdiction.--A tribunal of this State may serve as an initiating or responding tribunal in a proceeding brought under this part or a law substantially similar to this part, 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.

(b) Choice of law.--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.]

Section 25. Title 23 is amended by adding a chapter to read:

CHAPTER 77A

SUPPORT PROCEEDING UNDER CONVENTION

Sec.

77A01. Definitions.

77A02. Applicability.

77A03. Relationship of department to United States central authority.

77A04. Initiation by department of support proceeding under convention.

77A05. Direct request.

77A06. Registration of convention support order.

77A07. Contest of registered convention support order.

77A08. Recognition and enforcement of registered convention support order.

- 77A09. Partial enforcement.
- 77A10. Foreign support agreement.
- 77A11. Modification of convention child support order.
- 77A12. Personal information.
- 77A13. Record in original language.
- § 77A01. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Application." 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.

"Central authority." The entity designated by the United States or a foreign country defined in paragraph (4) of the definition of "foreign country" in section 7101.1 (relating to definitions) to perform the functions specified in the convention.

"Convention support order." A support order of a tribunal of a foreign country defined in paragraph (4) of the definition of "foreign country" in section 7101.1.

"Direct request." A petition filed by an individual in a tribunal of this State in a proceeding involving an obligee, obligor or child residing outside the United States.

"Foreign central authority." The entity designated by a foreign country defined in paragraph (4) of the definition of "foreign country" in section 7101.1 to perform the functions specified in the convention.

"Foreign support agreement."

- (1) An agreement for support in a record that:
 - (i) is enforceable as a support order in the country of origin;
 - (ii) has been:
 - (A) formally prepared or registered as an authentic instrument by a foreign tribunal; or
 - (B) authenticated by or concluded, registered, or filed with a foreign tribunal; and
 - (iii) may be reviewed and modified by a foreign tribunal.

(2) The term includes a maintenance arrangement or authentic instrument under the convention.

"United States central authority." The Secretary of the United States Department of Health and Human Services.

§ 77A02. Applicability.

This chapter applies only to a support proceeding under the convention. In a proceeding, if a provision of this chapter is inconsistent with Chapter 71 (relating to general provisions), 72 (relating to jurisdiction), 73 (relating to civil provisions of general application), 74 (relating to establishment of support order or determination of parentage), 75 (relating to enforcement of support order without registration) or 76 (relating to registration, enforcement and modification of support order), this chapter controls.

§ 77A03. Relationship of department to United States central authority.

The department is recognized as the agency designated by the United States central authority to perform specific functions under the convention.

§ 77A04. Initiation by department of support proceeding under convention.

(a) Duties.--In a support proceeding under this chapter, the department shall do all of the following:

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

(b) Oblige support proceedings.--All of the following support proceedings are available to an obligee under the convention:

- (1) Recognition or recognition and enforcement of a foreign support order.
- (2) Enforcement of a support order issued or recognized in this State.
- (3) Establishment of a support order if there is no existing order, including, if necessary, determination of parentage of a child.
- (4) Establishment of a support order if recognition of a foreign support order is refused under section 77A08(b)(2), (4) or (9) (relating to recognition and enforcement of registered convention support order).

(5) Modification of a support order of a tribunal of this State.

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

(c) Obligor support proceedings.--All of the following support proceedings are available under the convention to an obligor against which there is an existing support order:

- (1) Recognition of an order suspending or limiting enforcement of an existing support order of a tribunal of this State.
- (2) Modification of a support order of a tribunal of this State.
- (3) Modification of a support order of a tribunal of another state or a foreign country.

(d) Prohibition.--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.

§ 77A05. Direct request.

(a) General rule.--A petitioner may file a direct request seeking:

- (1) Establishment or modification of a support order or determination of parentage of a child. In the proceeding, the determination of parentage of a child under the law of this State applies.

(2) Recognition and enforcement of a support order or support agreement. In the proceeding, sections 77A06 (relating to registration of convention support order), 77A07 (relating to contest of registered convention support order), 77A08 (relating to recognition and enforcement of registered convention support order), 77A09 (relating to partial enforcement), 77A10 (relating to foreign support agreement), 77A11 (relating to modification of convention child support order), 77A12 (relating to personal information) and 77A13 (relating to record in original language) apply.

(b) Requirements.--In a direct request for recognition and enforcement of a convention support order or foreign support agreement, the following apply:

(1) A security, bond or deposit may not be required to guarantee the payment of costs and expenses.

(2) 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.

(c) (Reserved).

(d) Assistance.--A petitioner filing a direct request is not entitled to assistance from the department.

(e) Application of other laws.--This chapter does 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.

§ 77A06. Registration of convention support order.

(a) Registration required.--Except as otherwise provided in this chapter, 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 Chapter 76 (relating to registration, enforcement and modification of support order).

(b) Documentation required.--Notwithstanding sections 7311 (relating to pleadings and accompanying documents) and 7602(a) (relating to procedure to register order for enforcement), a request for registration of a convention support order must be accompanied by the following:

(1) A complete text of the support order or an abstract of the support order prepared by the issuing foreign tribunal, which may be in the form recommended by the Hague Conference on Private International Law.

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

(3) 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.

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

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

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

(c) Recognition and partial enforcement.--A request for registration of a convention support order may seek recognition and partial enforcement of the order.

(d) Vacating registration.--A tribunal of this State may vacate the registration of a convention support order without the filing of a contest under section 77A07 (relating to contest of registered convention support order) only if, acting on its own motion, the tribunal finds that recognition and enforcement of the order would be manifestly incompatible with public policy.

(e) Notification.--The tribunal shall promptly notify the parties of the registration or the order vacating the registration of a convention support order.

§ 77A07. Contest of registered convention support order.

(a) Applicability.--Except as otherwise provided in this chapter, sections 7605 (relating to notice of registration of order), 7606 (relating to procedure to contest validity or enforcement of registered support order), 7607 (relating to contest of registration or enforcement) and 7608 (relating to confirmed order) apply to a contest of a registered convention support order.

(b) Time.--A party contesting a registered convention support order must file a contest:

(1) Not later than 30 days after notice of the registration if the contesting party resides in the United States.

(2) Not later than 60 days after notice of the registration if the contesting party does not reside in the United States.

(c) Failure to contest.--If the nonregistering party fails to contest the registered convention support order by the time specified in subsection (b), the order is enforceable.

(d) Basis of contest.--A contest of a registered convention support order may be based only on grounds set forth in section 77A08 (relating to recognition and enforcement of registered convention support order). The contesting party shall bear the burden of proof.

(e) Tribunal duties.--In a contest of a registered convention support order, a tribunal of this State:

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

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

(f) Notification of decision.--A tribunal of this State deciding a contest of a registered convention support order shall promptly notify the parties of its decision.

(g) Appeals.--A challenge or appeal does not stay the enforcement of a convention support order unless there are exceptional circumstances.

§ 77A08. Recognition and enforcement of registered convention support order.

(a) General rule.--Except as otherwise provided in subsection (b), a tribunal of this State shall recognize and enforce a registered convention support order.

(b) Refusal of recognition or enforcement.--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:

(1) 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.

(2) The issuing tribunal lacked personal jurisdiction consistent with section 7201 (relating to bases for jurisdiction over nonresident).

(3) The order is not enforceable in the issuing country.

(4) The order was obtained by fraud in connection with a matter of procedure.

(5) A record transmitted in accordance with section 77A06 (relating to registration of convention support order) lacks authenticity or integrity.

(6) 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.

(7) 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 part in this State.

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

(9) In a case in which the respondent did not appear and was not represented in the proceeding in the issuing foreign country:

(i) 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

(ii) 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.

(10) The order was made in violation of section 77A11 (relating to modification of convention child support order).

(c) Procedure in certain situations.--If a tribunal of this State does not recognize a convention support order under subsection (b)(2), (4) or (9):

(1) 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

(2) the department 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 77A04 (relating to initiation by department of support proceeding under convention).

§ 77A09. Partial enforcement.

If a tribunal of this State does not recognize and enforce a convention support order in the order's entirety, the tribunal shall enforce any severable part of the order. An application or direct request may seek recognition and partial enforcement of a convention support order.

§ 77A10. Foreign support agreement.

(a) Recognition and enforcement.--Except as otherwise provided in subsections (c) and (d), a tribunal of this State shall recognize and enforce a foreign support agreement registered in this State.

(b) Documentation required.--An application or direct request for recognition and enforcement of a foreign support agreement must be accompanied by the following:

(1) A complete text of the foreign support agreement.

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

(c) Vacating registration.--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.

(d) Contested agreements.--In a contest of a foreign support agreement, a tribunal of this State may refuse recognition and enforcement of the agreement if it finds any of the following:

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

(2) The agreement was obtained by fraud or falsification.

(3) 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 part in this State.

(4) The record submitted under subsection (b) lacks authenticity or integrity.

(e) Suspension during appeal.--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.

§ 77A11. Modification of convention child support order.

(a) General rule.--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 one of the following occurs:

(1) 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.

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

(b) Order not recognized.--If a tribunal of this State does not modify a convention child support order because the order is not recognized in this State, section 77A08(c) (relating to recognition and enforcement of registered convention support order) applies.

§ 77A12. Personal information.

Personal information gathered or transmitted under this chapter may be used only for the purposes for which the information was gathered or transmitted.

§ 77A13. Record in original language.

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

Section 26. Sections 7801(b), 7802(b) and 7901 of Title 23 are amended to read:

§ 7801. Grounds for rendition.

* * *

(b) Authority of Governor.--The Governor of this State may do [all] **either** of the following:

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

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

* * *

§ 7802. Conditions of rendition.

* * *

(b) Extradition from this State.--If under this part or a law substantially similar to this part[, 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 an individual charged criminally in that state with having failed to provide for the support of a child or other individual to whom a duty of support is owed, the Governor may require a prosecutor to investigate the demand and report whether a proceeding for support has been initiated or would be effective. If it appears that a proceeding would be effective but has not been initiated,

the Governor may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.

* * *

§ 7901. Uniformity of application and construction.

[This part shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this part among states enacting it.] **In applying and construing this uniform part, consideration must be given to the need to promote uniformity of the law with respect to the law's subject matter among states which enact this uniform law.**

Section 27. Title 23 is amended by adding sections to read:

§ 7902. Transitional provision.

This part applies to proceedings beginning on or after the effective date of this section to do any of the following:

- (1) Establish a support order.
- (2) Determine parentage of a child.
- (3) Register, recognize, enforce or modify a prior support order, determination or agreement, whenever issued or entered.

§ 7903. Severability.

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

Section 28. Section 6302 of Title 42 is amended by adding definitions to read:

§ 6302. Definitions.

The following words and phrases when used in this chapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Age-appropriate or developmentally appropriate." The following:

- (1) activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be developmentally appropriate for a child based on the development of cognitive, emotional, physical and behavioral capacities that are typical for an age or age group; and
- (2) in the case of a specific child, activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical and behavioral capacities of the child.

* * *

"Caregiver." A person with whom the child is placed in an out-of-home placement, including a resource family or an individual designated by a county agency or private agency. The resource family is the caregiver for any child placed with them.

* * *

"Out-of-home placement." A setting that provides 24-hour substitute care for a child away from the child's parents or guardians and for whom the county agency has placement care and

responsibility. The term includes resource family homes and supervised settings in which a child is living and, for a child who has attained 18 years of age, a supervised setting in which the individual is living independently. The term does not include secure facilities, facilities operated primarily for the detention of children who have been adjudicated delinquent, accredited psychiatric residential treatment facilities or hospitals.

"Private agency." An entity that provides out-of-home placement services to children under a contract with a county agency.

* * *

"Reasonable and prudent parent standard." The standard, characterized by careful and sensible parental decisions that maintain the health, safety and best interests of a child while encouraging the emotional and developmental growth of the child, that a caregiver must use when determining whether to allow a child in an out-of-home placement under the responsibility of the county agency to participate in extracurricular, enrichment, cultural and social activities.

"Resource family." As defined under section 3 of the act of November 22, 2005 (P.L.404, No.73), known as the Resource Family Care Act.

* * *

Section 29. Section 6351(e)(1), (f)(8) and (f.1)(5) of Title 42 are amended and subsection (f) is amended by adding a paragraph to read:

§ 6351. Disposition of dependent child.

* * *

(e) Permanency hearings.--

(1) The court shall conduct a permanency hearing for the purpose of determining or reviewing the permanency plan of the child, the date by which the goal of permanency for the child might be achieved and whether placement continues to be best suited to the safety, protection and physical, mental and moral welfare of the child. In any permanency hearing held with respect to the child, the court shall consult with the child regarding the child's permanency plan, **including the child's desired permanency goal**, in a manner appropriate to the child's age and maturity. If the court does not consult personally with the child, the court shall ensure that the views of the child regarding the permanency plan have been ascertained to the fullest extent possible and communicated to the court by the guardian ad litem under section 6311 (relating to guardian ad litem for child in court proceedings) or, as appropriate to the circumstances of the case by the child's counsel, the court-appointed special advocate or other person as designated by the court.

* * *

(f) Matters to be determined at permanency hearing.--At each permanency hearing, a court shall determine all of the following:

* * *

(8) The services needed to assist a child who is [16] 14 years of age or older to make the transition to [independent living] **successful adulthood.**

* * *

(12) If the child has been placed with a caregiver, whether the child is being provided with regular, ongoing opportunities to participate in age-appropriate or developmentally appropriate activities. In order to make the determination under this paragraph, the county agency shall document the steps it has taken to ensure that:

(i) the caregiver is following the reasonable and prudent parent standard; and

(ii) the child has regular, ongoing opportunities to engage in age-appropriate or developmentally appropriate activities. The county agency shall consult with the child regarding opportunities to engage in such activities.

* * *

(f.1) Additional determination.--Based upon the determinations made under subsection (f) and all relevant evidence presented at the hearing, the court shall determine one of the following:

* * *

(5) If and when the child will be placed in another **planned permanent** living arrangement [intended to be permanent in nature] which is approved by the court [in cases where the county agency has documented a compelling reason that it would not be best suited to the safety, protection and physical, mental and moral welfare of the child to be returned to the child's parent, guardian or custodian, to be placed for adoption, to be placed with a legal custodian or to be placed with a fit and willing relative.], **the following shall apply:**

(i) The child must be 16 years of age or older.

(ii) The county agency shall identify at least one significant connection with a supportive adult willing to be involved in the child's life as the child transitions to adulthood, or document that efforts have been made to identify a supportive adult.

(iii) The county agency shall document:

(A) A compelling reason that it would not be best suited to the safety, protection and physical, mental and moral welfare of the child to be returned to the child's parent, guardian or custodian, to be placed for adoption, to be placed with a legal custodian or to be placed with a fit and willing relative.

(B) Its intensive, ongoing and, as of the date of the hearing, unsuccessful efforts to return the child to the child's parent, guardian or custodian or to be placed for adoption, to be placed with a legal

custodian or to be placed with a fit and willing relative.

(C) Its efforts to utilize search technology to find biological family members for the child.

(iv) The court shall:

(A) Ask the child about the desired permanency goal for the child.

(B) Make a judicial determination explaining why, as of the date of the hearing, another planned permanent living arrangement is the best permanency plan for the child.

(C) Provide compelling reasons why it continues not to be in the best interests of the child to return to the child's parent, guardian or custodian, be placed for adoption, be placed with a legal custodian or be placed with a fit and willing relative.

(D) Make findings that the significant connection is identified in the permanency plan or that efforts have been made to identify a supportive adult, if no one is currently identified.

* * *

Section 30. The Department of Human Services of the Commonwealth shall conduct a study to analyze and make recommendations on the permanency goal of another planned permanent living arrangement for children 16 years of age or older. The following apply:

(1) The study shall include recommendations on all of the following:

(i) Strategies to reduce the use of or eliminate the use of the permanency goal of another planned permanent living arrangement.

(ii) Other permanency goal options for children.

(iii) Expected outcomes for children by the reduction of or the elimination of another planned permanent living arrangement as a permanency goal.

(iv) A timeline to achieve the strategies set forth under subparagraph (i).

(2) In conducting the study, the Department of Human Services shall convene a work group to receive feedback on the potential reduction or elimination of the permanency goal of another planned permanent living arrangement. The work group shall include representatives from the juvenile court, guardians ad litem, parent attorneys, county agencies, private children and youth social service agencies, children's advocacy organizations, the Pennsylvania Youth Advisory Board and other appropriate stakeholders as determined by the Secretary of Human Services.

(3) The Department of Human Services shall, within four months of enactment of this section, report the study's findings and make its recommendations to:

(i) The chairperson and minority chairperson of the Judiciary Committee of the Senate.

(ii) The chairperson and minority chairperson of the Aging and Youth Committee of the Senate.

(iii) The chairperson and minority chairperson of the Judiciary Committee of the House of Representatives.

(iv) The chairperson and minority chairperson of the Children and Youth Committee of the House of Representatives.

Section 31. This act shall take effect as follows:

(1) The following shall take effect January 1, 2016, or immediately, whichever is later:

(i) The addition of 23 Pa.C.S. Ch. 57.

(ii) The amendment or addition of 42 Pa.C.S. §§ 6302 and 6351(e)(1), (f)(8) and (12) and (f.1)(5).

(2) The remainder of this act shall take effect immediately.

APPROVED--The 28th day of December, A.D. 2015.

TOM WOLF

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