

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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Legislative Document

No. 461

S.P. 164

In Senate, February 10, 2009

### An Act To Adopt Amendments to the Uniform Interstate Family Support Act

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Submitted by the Department of Health and Human Services pursuant to Joint Rule 204.  
Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator SIMPSON of Androscoggin.  
Cosponsored by Representative NASS of Acton.

1 Be it enacted by the People of the State of Maine as follows:

2 Sec. 1. 19-A MRSA §2802, sub-§2, as enacted by PL 1995, c. 694, Pt. B, §2 and  
3 affected by Pt. E, §2, is amended to read:

4 2. **Child support order.** "Child support order" means a support order for a child,  
5 including a child who has attained the age of majority under the law of the issuing state or  
6 foreign country.

7 Sec. 2. 19-A MRSA §2802, sub-§2-A is enacted to read:

8 2-A. **Convention.** "Convention" means the Convention on the International  
9 Recovery of Child Support and Other Forms of Family Maintenance concluded at The  
10 Hague on November 23, 2007.

11 Sec. 3. 19-A MRSA §2802, sub-§3-A is enacted to read:

12 3-A. **Foreign country.** "Foreign country" means a country, including a political  
13 subdivision thereof, other than the United States, that under its law authorizes the  
14 issuance of support orders and:

15 A. Has been declared under the law of the United States to be a foreign reciprocating  
16 country;

17 B. Has established a reciprocal arrangement for child support with this State as  
18 provided in section 3008-A;

19 C. Has enacted a law or established procedures for the issuance and enforcement of  
20 support orders that are substantially similar to the procedures under this chapter; or

21 D. In which the Convention is in force with respect to the United States.

22 Sec. 4. 19-A MRSA §2802, sub-§3-B is enacted to read:

23 3-B. **Foreign support order.** "Foreign support order" means a support order issued  
24 by a foreign tribunal.

25 Sec. 5. 19-A MRSA §2802, sub-§3-C is enacted to read:

26 3-C. **Foreign tribunal.** "Foreign tribunal" means a court, administrative agency or  
27 quasi-judicial entity of a foreign country authorized to establish, enforce or modify  
28 support orders or to determine parentage of a child. "Foreign tribunal" includes a  
29 competent authority under the Convention.

30 Sec. 6. 19-A MRSA §2802, sub-§4, as enacted by PL 1995, c. 694, Pt. B, §2 and  
31 affected by Pt. E, §2, is amended to read:

32 4. **Home state.** "Home state" means the state or foreign country in which a child  
33 lived with a parent or a person acting as parent for at least 6 consecutive months  
34 immediately preceding the time of filing of a petition or comparable pleading for support  
35 and, if a child is less than 6 months old, the state or foreign country in which the child

1 lived from birth with a parent or a person acting as parent. A period of temporary  
2 absence of a parent or a person acting as parent is counted as part of the 6-month or other  
3 period.

4 **Sec. 7. 19-A MRSA §2802, sub-§8**, as enacted by PL 1995, c. 694; Pt. B, §2 and  
5 affected by Pt. E, §2, is amended to read:

6 **8. Initiating tribunal.** "Initiating tribunal" means the ~~authorized tribunal in an~~  
7 initiating of a state or foreign country from which a petition or comparable pleading is  
8 forwarded or in which a petition or comparable pleading is filed for forwarding to another  
9 state or foreign country.

10 **Sec. 8. 19-A MRSA §2802, sub-§8-A** is enacted to read:

11 **8-A. Issuing foreign country.** "Issuing foreign country" means the foreign country  
12 in which a tribunal issues a support order or judgment determining parentage.

13 **Sec. 9. 19-A MRSA §2802, sub-§9**, as enacted by PL 1995, c. 694, Pt. B, §2 and  
14 affected by Pt. E, §2, is amended to read:

15 **9. Issuing state.** "Issuing state" means the state in which a tribunal issues a support  
16 order or ~~enters~~ a judgment determining parentage of a child.

17 **Sec. 10. 19-A MRSA §2802, sub-§10**, as enacted by PL 1995, c. 694, Pt. B, §2  
18 and affected by Pt. E, §2, is amended to read:

19 **10. Issuing tribunal.** "Issuing tribunal" means the tribunal of a state or foreign  
20 country that issues a support order or enters a judgment determining parentage of a child.

21 **Sec. 11. 19-A MRSA §2802, sub-§11-A** is enacted to read:

22 **11-A. Outside this State.** "Outside this State" means a location in another state or a  
23 country other than the United States, whether or not the country meets the definition of  
24 "foreign country" under subsection 3-A.

25 **Sec. 12. 19-A MRSA §2802, sub-§12**, as enacted by PL 1995, c. 694, Pt. B, §2  
26 and affected by Pt. E, §2, is amended to read:

27 **12. Obligee.** "Obligee" means:

28 A. An individual to whom a duty of support is or is alleged to be owed or in whose  
29 favor a support order ~~has been issued~~ or a judgment determining parentage of a child  
30 has been entered issued;

31 B. A foreign country or a state or a political subdivision of a state to which the  
32 rights under a duty of support or support order have been assigned or that has  
33 independent claims based on financial assistance provided to an individual obligee in  
34 place of child support; or

35 C. An individual seeking a judgment determining parentage of the individual's  
36 child; or

1            D. A person that is a creditor in a proceeding subject to subchapter 7-A.

2            **Sec. 13. 19-A MRSA §2802, sub-§13**, as enacted by PL 1995, c. 694, Pt. B, §2  
3 and affected by Pt. E, §2, is amended to read:

4            **13. Obligor.** "Obligor" means an individual or the estate of a decedent:

5            A. Who owes or is alleged to owe a duty of support;

6            B. Who is alleged but has not been adjudicated to be a parent of a child; or

7            C. Who is liable under a support order; or

8            D. Who is a debtor in a proceeding under subchapter 7-A.

9            **Sec. 14. 19-A MRSA §2802, sub-§13-A**, as enacted by PL 2003, c. 436, §2, is  
10 amended to read:

11            **13-A. Person.** "Person" means an individual; corporation; business trust; estate;  
12 trust; partnership; limited liability company; association; joint venture; public  
13 corporation; government; or governmental subdivision, agency or instrumentality; public  
14 corporation; or any other legal or commercial entity.

15            **Sec. 15. 19-A MRSA §2802, sub-§14**, as enacted by PL 1995, c. 694, Pt. B, §2  
16 and affected by Pt. E, §2, is amended to read:

17            **14. Register.** "Register" means to file in a tribunal of this State a support order or  
18 judgment determining parentage in the registry of foreign support orders of a child issued  
19 in another state or foreign country.

20            **Sec. 16. 19-A MRSA §2802, sub-§15**, as enacted by PL 1995, c. 694, Pt. B, §2  
21 and affected by Pt. E, §2, is amended to read:

22            **15. Registering tribunal.** "Registering tribunal" means a tribunal in which a  
23 support order or judgment determining parentage of a child is registered.

24            **Sec. 17. 19-A MRSA §2802, sub-§16**, as amended by PL 2003, c. 436, §3, is  
25 further amended to read:

26            **16. Responding state.** "Responding state" means a state in which a proceeding  
27 petition or comparable pleading for support or to determine parentage of a child is filed or  
28 to which a proceeding petition or comparable pleading is forwarded for filing from an  
29 initiating another state under this chapter or a law or procedure substantially similar to  
30 this chapter or a foreign country.

31            **Sec. 18. 19-A MRSA §2802, sub-§17**, as enacted by PL 1995, c. 694, Pt. B, §2  
32 and affected by Pt. E, §2, is amended to read:

33            **17. Responding tribunal.** "Responding tribunal" means the authorized tribunal in a  
34 responding state or foreign country.

1           **Sec. 19. 19-A MRSA §2802, sub-§19**, as amended by PL 2003, c. 436, §4, is  
2 amended to read:

3           **19. State.** "State" means a state of the United States, the District of Columbia,  
4 Puerto Rico, the United States Virgin Islands or any territory or insular possession subject  
5 to the jurisdiction of the United States. The term "state" includes: an Indian nation or  
6 tribe.

7           A. ~~An Indian tribe; and~~

8           B. ~~A foreign country or political subdivision that:~~

9           ~~(1) Has been declared to be a foreign reciprocating country or political~~  
10 ~~subdivision under federal law;~~

11 ~~(2) Has established a reciprocal arrangement for child support with this State as~~  
12 ~~provided in section 3008-A; or~~

13 ~~(3) Has enacted a law or established procedures for issuance and enforcement of~~  
14 ~~support orders that are substantially similar to the procedures under this chapter.~~

15           **Sec. 20. 19-A MRSA §2802, sub-§21**, as amended by PL 2003, c. 436, §§5 and  
16 6 and c. 689, Pt. B, §6, is further amended to read:

17           **21. Support enforcement agency.** "Support enforcement agency" means a public  
18 official or agency authorized to seek:

19           A. ~~Enforcement~~ Seek enforcement of support orders or laws relating to the duty of  
20 support;

21           B. ~~Establishment~~ Seek establishment or modification of child support;

22           C. ~~Determination~~ Request determination of parentage;

23           D. ~~The location of~~ Attempt to locate obligors or their assets; or

24           E. ~~Determination~~ Request determination of the controlling child support order.

25           The support enforcement agency in this State is the Department of Health and Human  
26 Services.

27           **Sec. 21. 19-A MRSA §2802, sub-§22**, as amended by PL 2003, c. 436, §7, is  
28 further amended to read:

29           **22. Support order.** "Support order" means a judgment, decree, order, decision or  
30 directive, whether temporary, final or subject to modification, issued ~~by a tribunal in a~~  
31 state or foreign country for the benefit of a child, a spouse or a former spouse, that  
32 provides for monetary support, health care, arrearages, retroactive support or  
33 reimbursement for financial assistance provided to an individual obligee in place of child  
34 support. "Support order" may include related costs and fees, interest, income  
35 withholding, automatic adjustment, reasonable attorney's fees and other relief.

36           **Sec. 22. 19-A MRSA §2802-A** is enacted to read:

1           **§2802-A. State tribunal and support enforcement agency**

2           **1. State tribunals.** The District Court and the Department of Health and Human  
3           Services are tribunals of this State.

4           **2. State support enforcement agency.** The Department of Health and Human  
5           Services is the support enforcement agency of this State.

6           **Sec. 23. 19-A MRSA §2803, sub-§1,** as enacted by PL 2003, c. 436, §8, is  
7           amended to read:

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

11          **Sec. 24. 19-A MRSA §2804** is enacted to read:

12          **§2804. Application of chapter to resident of foreign country and foreign support**  
13          **proceeding**

14          **1. Support proceeding.** A tribunal of this State shall apply this subchapter,  
15          subchapters 2 to 6 and, as applicable, subchapter 7-A to a support proceeding involving:

16           **A. A foreign support order;**

17           **B. A foreign tribunal; or**

18           **C. An obligee, obligor or child residing in a foreign country.**

19          **2. Comity.** A tribunal of this State that is requested to recognize and enforce a  
20          support order on the basis of comity may apply the procedural and substantive provisions  
21          of this subchapter and subchapters 2 to 6.

22          **3. Proceeding subject to the Convention.** Subchapter 7-A applies only to a support  
23          proceeding under the Convention. In such a proceeding, if a provision of subchapter 7-A  
24          is inconsistent with a provision of this subchapter or subchapters 2 to 6, subchapter 7-A  
25          controls.

26          **Sec. 25. 19-A MRSA §2961, sub-§2,** as enacted by PL 2003, c. 436, §10, is  
27          amended to read:

28          **2. Use of bases to establish personal jurisdiction.** The bases of personal  
29          jurisdiction set forth in subsection 1 or in any other law of this State may not be used to  
30          acquire personal jurisdiction for a tribunal of the this State to modify a child support  
31          order of another state unless the requirements of section 3253 ~~or 3257~~ are met or, in the  
32          case of a foreign support order, unless the requirements of section 3261 are met.

33          **Sec. 26. 19-A MRSA §2963,** as enacted by PL 2003, c. 436, §10, is amended to  
34          read:

1 **§2963. Initiating and responding tribunal of this State**

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

5 **Sec. 27. 19-A MRSA §2964**, as enacted by PL 2003, c. 436, §10, is amended to  
6 read:

7 **§2964. Simultaneous proceedings**

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

12 A. The petition or comparable pleading in this State is filed before the expiration of  
13 the time allowed in the other state or the foreign country for filing a responsive  
14 pleading challenging the exercise of jurisdiction by the other state or the foreign  
15 country;

16 B. The contesting party timely challenges the exercise of jurisdiction in the other  
17 state or the foreign country; and

18 C. ~~When relevant, this~~ This State is the home state of the child, if that is a relevant  
19 factor.

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

24 A. The petition or comparable pleading in the other state or the foreign country is  
25 filed before the expiration of the time allowed in this State for filing a responsive  
26 pleading challenging the exercise of jurisdiction by this State;

27 B. The contesting party timely challenges the exercise of jurisdiction in this State;  
28 and

29 C. ~~When relevant, the~~ The other state or the foreign country is the home state of the  
30 child, if that is a relevant factor.

31 **Sec. 28. 19-A MRSA §2966, sub-§1, ¶B**, as enacted by PL 2003, c. 436, §10, is  
32 amended to read:

33 B. A money judgment for arrears of support and interest on the order accrued  
34 before a determination that an order of a tribunal of another state is the controlling  
35 order.

36 **Sec. 29. 19-A MRSA §2967, sub-§2**, as enacted by PL 2003, c. 436, §10, is  
37 amended to read:



1           **2. Recognition of orders; 2 or more tribunals.** If a proceeding is brought under  
2 this chapter and 2 or more child support orders have been issued by tribunals of this State  
3 or another state or a foreign country with regard to the same obligor and same child, a  
4 tribunal of this State having personal jurisdiction over both the obligor and individual  
5 obligee shall apply the following rules and by order shall determine which order controls  
6 and must be recognized.

7           A. If only one of the tribunals has continuing, exclusive jurisdiction under this  
8 chapter, the order of that tribunal controls ~~and must be so recognized.~~

9           B. If more than one of the tribunals has continuing, exclusive jurisdiction under this  
10 chapter:

11                 (1) An order issued by a tribunal in the current home state of the child controls;  
12                 or

13                 (2) If an order has not been issued in the current home state of the child, the  
14 order most recently issued controls.

15           C. If none of the tribunals have continuing, exclusive jurisdiction under this  
16 chapter, the tribunal of this State shall issue a child support order, which controls.

17           **Sec. 30. 19-A MRSA §2967, sub-§3,** as enacted by PL 2003, c. 436, §10, is  
18 amended to read:

19           **3. Request for order.** If 2 or more child support orders have been issued for the  
20 same obligor and same child, upon request of a party who is an individual or that is a  
21 support enforcement agency, a tribunal of this State having personal jurisdiction over  
22 both the obligor and the obligee who is an individual shall determine which order controls  
23 under subsection 2. The request may be filed with a registration for enforcement or  
24 registration for modification pursuant to subchapter 6 or may be filed as a separate  
25 proceeding.

26           **Sec. 31. 19-A MRSA §2968,** as enacted by PL 2003, c. 436, §10, is amended to  
27 read:

28           **§2968. Child support orders for 2 or more obligees**

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

34           **Sec. 32. 19-A MRSA §2969,** as enacted by PL 2003, c. 436, §10, is amended to  
35 read:

36           **§2969. Credit for payments**

37           A tribunal of this State shall credit amounts collected for a particular period pursuant  
38 to any child support order against the amounts owed for the same period under any other

1 child support order for support of the same child issued by a tribunal of this State or  
2 another state or a foreign country.

3 **Sec. 33. 19-A MRSA §2970**, as enacted by PL 2003, c. 436, §10, is amended to  
4 read:

5 **§2970. Application of chapter to nonresident subject to personal jurisdiction**

6 A tribunal of this State exercising personal jurisdiction over a nonresident in a  
7 proceeding under this chapter or under other laws of this State relating to a support order  
8 or recognizing a foreign support order ~~of a foreign country or political subdivision on the~~  
9 ~~basis of comity~~ may receive evidence from ~~another state~~ outside this State pursuant to  
10 section 3016, communicate with a tribunal ~~of another state~~ outside this State pursuant to  
11 section 3017 and obtain discovery through a tribunal ~~of another state~~ outside this State  
12 pursuant to section 3018. In all other respects, subchapters 3 to 7 ~~7-A~~ do not apply and  
13 the tribunal shall apply the procedural and substantive law of this State.

14 **Sec. 34. 19-A MRSA §2971, sub-§2**, as enacted by PL 2003, c. 436, §10, is  
15 amended to read:

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

20 **Sec. 35. 19-A MRSA §3001, sub-§1-A**, as enacted by PL 2003, c. 436, §11, is  
21 amended to read:

22 **1-A. Initiation of proceedings.** An individual petitioner or a support enforcement  
23 agency may initiate a proceeding authorized under this chapter by filing a petition in an  
24 initiating tribunal for forwarding to a responding tribunal or by filing a petition or a  
25 comparable pleading directly in a tribunal of another state or a foreign country that has or  
26 can obtain personal jurisdiction over the respondent.

27 **Sec. 36. 19-A MRSA §3004-A, sub-§2**, as enacted by PL 2003, c. 436, §14, is  
28 amended to read:

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

37 **Sec. 37. 19-A MRSA §3005, sub-§2, ¶A**, as amended by PL 2003, c. 436, §15,  
38 is further amended to read:

1 A. ~~Issue~~ Establish or enforce a support order, modify a child support order,  
2 determine the controlling child support order or render a judgment to determine  
3 parentage of a child;

4 **Sec. 38. 19-A MRSA §3005, sub-§2, ¶H**, as enacted by PL 1995, c. 694, Pt. B,  
5 §2 and affected by Pt. E, §2, is amended to read:

6 H. Order an obligor to keep the tribunal informed of the obligor's current residential  
7 address, e-mail address, telephone number, employer, address of employment and  
8 telephone number at the place of employment;

9 **Sec. 39. 19-A MRSA §3007, sub-§1**, as enacted by PL 1995, c. 694, Pt. B, §2  
10 and affected by Pt. E, §2, is amended to read:

11 **1. Services to petitioner.** The department, upon ~~application and request by an~~  
12 ~~individual or upon request of the support enforcement agency of another state~~, shall  
13 provide services to a petitioner in a proceeding under this chapter.

14 **Sec. 40. 19-A MRSA §3007, sub-§2, ¶A**, as enacted by PL 1995, c. 694, Pt. B,  
15 §2 and affected by Pt. E, §2, is amended to read:

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

18 **Sec. 41. 19-A MRSA §3007, sub-§2-C**, as enacted by PL 2003, c. 436, §18, is  
19 amended to read:

20 **2-C. Issuance upon request.** The department shall issue or request a tribunal of this  
21 State to issue a child support order and an income-withholding order that redirect  
22 payment of current support, arrears and interest if requested to do so by a support  
23 enforcement agency of another state pursuant to ~~Section 319 of the Uniform Interstate~~  
24 ~~Family Support Act~~ section 3019.

25 **Sec. 42. 19-A MRSA §3008-A, 2nd ¶**, as enacted by PL 2003, c. 436, §19, is  
26 amended to read:

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

30 **Sec. 43. 19-A MRSA §3010**, as amended by PL 2003, c. 436, §20, is repealed.

31 **Sec. 44. 19-A MRSA §3010-A** is enacted to read:

32 **§3010-A. Duties of the department as the state information agency**

33 **1. State information agency.** The department is the state information agency.

34 **2. Duties.** The state information agency shall:

1 A. Compile and maintain a current list, including addresses, of the tribunals in this  
2 State that have jurisdiction under this chapter and the department and transmit a copy  
3 to the state information agency of every other state;

4 B. Maintain a register of the names and addresses of tribunals and support  
5 enforcement agencies received from other states;

6 C. Forward to the appropriate tribunal in the state in which the obligee who is an  
7 individual or the obligor resides, or in which the obligor's property is believed to be  
8 located, all documents concerning a proceeding under this chapter received from  
9 another state or a foreign country; and

10 D. Obtain information concerning the location of the obligor and the obligor's  
11 property within this State not exempt from execution, by such means as postal  
12 verification and federal or state locator services, examination of telephone directories,  
13 requests for the obligor's address from employers and examination of governmental  
14 records, including, to the extent not prohibited by other law, those relating to real  
15 property, vital statistics, law enforcement, taxation, motor vehicles, driver's licenses  
16 and social security.

17 **Sec. 45. 19-A MRSA §3011, sub-§1**, as amended by PL 2003, c. 436, §21, is  
18 further amended to read:

19 **1. Petition; contents.** In a proceeding under this chapter, a petitioner seeking to  
20 establish a support order, to determine parentage of a child or to register and modify a  
21 support order of a tribunal of another state or a foreign country must file a petition.  
22 Unless otherwise ordered under section 3012, the petition or accompanying documents  
23 must provide, so far as known, the names, residential addresses and social security  
24 numbers of the obligor and the obligee or the parent and alleged parent, and the name,  
25 sex, residential address, social security number and date of birth of each child for whose  
26 benefit support is sought or whose parentage is to be determined. Unless filed at the time  
27 of registration, the petition must be accompanied by a copy of any support order known  
28 to have been issued by another tribunal. The petition may include any other information  
29 that may assist in locating or identifying the respondent.

30 **Sec. 46. 19-A MRSA §3013, sub-§2**, as enacted by PL 1995, c. 694, Pt. B, §2  
31 and affected by Pt. E, §2, is amended to read:

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

41 **Sec. 47. 19-A MRSA §3016, sub-§1**, as amended by PL 2003, c. 436, §24, is  
42 further amended to read:

1           **1. Physical presence not required.** The physical presence of a nonresident party  
2 who is an individual in a tribunal of this State is not required for the establishment,  
3 enforcement or modification of a support order or the rendition of a judgment  
4 determining parentage of a child.

5           **Sec. 48. 19-A MRSA §3016, sub-§2**, as amended by PL 2003, c. 436, §24, is  
6 further amended to read:

7           **2. Admissible evidence.** An affidavit, a document substantially complying with  
8 federally mandated forms or a document incorporated by reference in any of them that  
9 would not be excluded under the hearsay rule if given in person is admissible in evidence  
10 if given under penalty of perjury by a party or witness residing ~~in another state~~ outside  
11 this State.

12           **Sec. 49. 19-A MRSA §3016, sub-§4**, as enacted by PL 1995, c. 694, Pt. B, §2  
13 and affected by Pt. E, §2, is amended to read:

14           **4. Copies of bills admissible.** Copies of bills for testing for parentage of a child and  
15 for prenatal and postnatal health care of the mother and child, furnished to the adverse  
16 party at least 10 days before trial, are admissible in evidence to prove the amount of the  
17 charges billed and that the charges were reasonable, necessary and customary.

18           **Sec. 50. 19-A MRSA §3016, sub-§5**, as amended by PL 2003, c. 436, §24, is  
19 further amended to read:

20           **5. No objection based on means of transmission.** Documentary evidence  
21 transmitted from ~~another state~~ outside this State to a tribunal of this State by telephone,  
22 telecopier or other electronic means that does not provide an original record may not be  
23 excluded from evidence on an objection based on the means of transmission.

24           **Sec. 51. 19-A MRSA §3016, sub-§6**, as amended by PL 2003, c. 436, §24, is  
25 further amended to read:

26           **6. Testimony not in person.** In a proceeding under this chapter, a tribunal of this  
27 State shall permit a party or witness residing ~~in another state~~ outside this State to be  
28 deposed or to testify by telephone, audiovisual means or other electronic means at a  
29 designated tribunal or other location ~~in that state~~. A tribunal of this State shall cooperate  
30 with other tribunals ~~of other states~~ in designating an appropriate location for the  
31 deposition or testimony.

32           **Sec. 52. 19-A MRSA §3017**, as amended by PL 2003, c. 436, §26, is further  
33 amended to read:

34           **§3017. Communications between tribunals**

35           A tribunal of this State may communicate with a tribunal ~~of another state or foreign~~  
36 ~~country or political subdivision~~ outside this State in a record, in an e-mail or by telephone  
37 or other means to obtain information concerning the laws; the legal effect of a judgment,  
38 decree or order of that tribunal; and the status of a proceeding ~~in the other state or foreign~~

1 ~~country or political subdivision.~~ A tribunal of this State may furnish similar information  
2 by similar means to a tribunal ~~of another state or foreign country or political subdivision~~  
3 outside this State.

4 **Sec. 53. 19-A MRSA §3018**, as enacted by PL 1995, c. 694, Pt. B, §2 and  
5 affected by Pt. E, §2, is amended to read:

6 **§3018. Assistance with discovery**

7 A tribunal of this State may:

8 **1. Request a tribunal outside this State.** Request a tribunal ~~of another state~~ outside  
9 this State to assist in obtaining discovery; and

10 **2. Compel response.** Upon request, compel a person over whom it has jurisdiction  
11 to respond to a discovery order issued by a tribunal ~~of another state~~ outside this State.

12 **Sec. 54. 19-A MRSA §3019, sub-§1**, as enacted by PL 2003, c. 436, §27, is  
13 amended to read:

14 **1. Disburse promptly.** The department shall disburse promptly any amounts  
15 received pursuant to a support order as directed by the order. The department shall  
16 furnish to a requesting party or tribunal of another state or foreign country a certified  
17 statement by the custodian of the record of the amounts and dates of all payments  
18 received.

19 **Sec. 55. 19-A MRSA §3051, sub-§1**, as enacted by PL 1995, c. 694, Pt. B, §2  
20 and affected by Pt. E, §2, is amended to read:

21 **1. Responding tribunal may issue support order.** If a support order entitled to  
22 recognition under this chapter has not been issued, a responding tribunal of this State with  
23 personal jurisdiction over the parties may issue a support order if:

24 A. The individual seeking the order resides ~~in another state~~ outside this State; or

25 B. The support enforcement agency seeking the order is located ~~in another state~~  
26 outside this State.

27 **Sec. 56. 19-A MRSA §3052** is enacted to read:

28 **§3052. Proceeding to determine parentage**

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

32 **Sec. 57. 19-A MRSA §3101-C**, as enacted by PL 1997, c. 669, §21, is amended  
33 to read:

1       **§3101-C. Immunity from civil liability**

2           An employer ~~who~~ that complies with an income-withholding order issued in another  
3 state in accordance with this subchapter is not subject to civil liability to an individual or  
4 support enforcement agency with regard to the employer's withholding of child support  
5 payments from the obligor's income.

6           **Sec. 58. 19-A MRSA §3101-D**, as enacted by PL 1997, c. 669, §21, is amended  
7 to read:

8       **§3101-D. Penalties for noncompliance**

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

12           **Sec. 59. 19-A MRSA §3102**, as amended by PL 2003, c. 436, §34, is further  
13 amended to read:

14       **§3102. Administrative enforcement of orders**

15           **1. Documents to state information agency.** A party residing in another state or a  
16 support enforcement agency seeking to enforce a support order or an income-withholding  
17 order, or both, issued ~~by a tribunal of~~ in another state or a foreign support order shall send  
18 the documents required for registering the order to the department.

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

26           **Sec. 60. 19-A MRSA §3150** is enacted to read:

27       **§3150. Registration of order for enforcement**

28           A support order or income-withholding order issued in another state or a foreign  
29 country may be registered in this State for enforcement.

30           **Sec. 61. 19-A MRSA §3151, sub-§1**, as amended by PL 2003, c. 436, §36, is  
31 further amended to read:

32           **1. Required documents and information.** ~~The department may register~~ Except as  
33 otherwise provided in section 3316, a support order or an income-withholding order of  
34 another state or a foreign support order may be registered in this State by forwarding  
35 sending the following records and information to the appropriate court tribunal in this  
36 State for registration in this State for enforcement:

- 1 A. A letter of transmittal to the tribunal requesting registration and enforcement;  
2 B. Two copies, including one certified copy, of the order to be registered, including  
3 any modification of an order;  
4 C. A sworn statement by the person requesting registration or a certified statement  
5 by the custodian of the records showing the amount of any arrearages;  
6 D. The name of the obligor and, if known:  
7 (1) The obligor's address and social security number;  
8 (2) The name and address of the obligor's employer and any other source of  
9 income of the obligor; and  
10 (3) A description and the location of property of the obligor in this State not  
11 exempt from execution; and  
12 E. Except as otherwise provided in section 3012, the name and address of the  
13 obligee and, if applicable, the agency or person to whom support payments are to be  
14 remitted.

15 **Sec. 62. 19-A MRSA §3151, sub-§2**, as enacted by PL 1995, c. 694, Pt. B, §2  
16 and affected by Pt. E, §2, is amended to read:

17 **2. File as foreign judgment.** ~~Upon~~ On receipt of a request for registration, the  
18 registering tribunal shall ~~file~~ cause the order to be filed as a ~~foreign judgment~~ an order of  
19 another state or foreign country, together with one copy of the documents and  
20 information, regardless of their form.

21 **Sec. 63. 19-A MRSA §3152**, as enacted by PL 1995, c. 694, Pt. B, §2 and  
22 affected by Pt. E, §2, is amended to read:

23 **§3152. Effect of registration for enforcement**

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

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

30 **3. Recognition and enforcement of registered order; no modification.** Except as  
31 otherwise provided in this ~~article~~ chapter, a tribunal of this State shall recognize and  
32 enforce, but may not modify, a registered support order if the issuing tribunal had  
33 jurisdiction.

34 **Sec. 64. 19-A MRSA §3153**, as repealed and replaced by PL 2003, c. 436, §37, is  
35 amended to read:



1       **§3153. Choice of law**

2           **1. Current payments, other obligations and arrearages under order.** Except as  
3 otherwise provided in subsection 4, the law of the issuing state or foreign country  
4 governs:

5           A. The nature, extent, amount and duration of current payments under a registered  
6 support order;

7           B. The computation and payment of arrearages and accrual of interest on the  
8 arrearages under the support order; and

9           C. The existence and satisfaction of other obligations under the support order.

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

13          **3. Procedures and remedies of this State.** A responding tribunal of this State shall  
14 apply the procedures and remedies of this State to enforce current support and collect  
15 arrears and interest due on a support order of another state or a foreign country registered  
16 in this State.

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

22          **Sec. 65. 19-A MRSA §3201, sub-§1,** as amended by PL 2003, c. 436, §38, is  
23 further amended to read:

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

29          **Sec. 66. 19-A MRSA §3201, sub-§2, ¶B,** as amended by PL 2003, c. 436, §38,  
30 is further amended to read:

31           B. That a hearing to contest the validity or enforcement of the registered order must  
32 be requested within 20 days after notice unless the registered order is subject to  
33 section 3317;

34          **Sec. 67. 19-A MRSA §3201, sub-§3, ¶A,** as enacted by PL 2003, c. 436, §38, is  
35 amended to read:

36           A. Identify the 2 or more orders and the order alleged by the registering ~~person~~ party  
37 to be the controlling order and the consolidated arrears, if any;

1           **Sec. 68. 19-A MRSA §3201, sub-§4**, as enacted by PL 2003, c. 436, §38, is  
2 amended to read:

3           **4. Notice of income-withholding order.** Upon registration of an income-  
4 withholding order for enforcement, the support enforcement agency or the registering  
5 tribunal shall notify the obligor's employer pursuant to chapter 65, subchapter 4.

6           **Sec. 69. 19-A MRSA §3202, sub-§1**, as amended by PL 2003, c. 436, §39, is  
7 further amended to read:

8           **1. Timing and remedies.** A nonregistering party seeking to contest the validity or  
9 enforcement of a registered support order in this State ~~must~~ shall request a hearing within  
10 ~~20 days after the date of mailing notice of the registration~~ the time required by section  
11 3201. The nonregistering party may seek to vacate the registration, to assert any defense  
12 to an allegation of noncompliance with the registered order or to contest the remedies  
13 being sought or the amount of any alleged arrearages pursuant to section 3203.

14           **Sec. 70. 19-A MRSA §3202, sub-§2**, as enacted by PL 1995, c. 694, Pt. B, §2  
15 and affected by Pt. E, §2, is amended to read:

16           **2. Order confirmed if contest not timely.** If the nonregistering party fails to  
17 contest the validity or enforcement of the registered support order in a timely manner, the  
18 order is confirmed by operation of law.

19           **Sec. 71. 19-A MRSA §3202, sub-§3**, as enacted by PL 1995, c. 694, Pt. B, §2  
20 and affected by Pt. E, §2, is amended to read:

21           **3. Notice of hearing to the parties.** If a nonregistering party requests a hearing to  
22 contest the validity or enforcement of the registered support order, the registering tribunal  
23 shall schedule the matter for hearing and give notice to the parties by first class mail of  
24 the date, time and place of the hearing.

25           **Sec. 72. 19-A MRSA §3203**, as amended by PL 2003, c. 436, §§40 and 41, is  
26 further amended to read:

27           **§3203. Contest of registration or enforcement**

28           **1. Defenses to contest validity or enforcement.** A party contesting the validity or  
29 enforcement of a registered support order or seeking to vacate the registration has the  
30 burden of proving one or more of the following defenses:

- 31           A. The issuing tribunal lacked personal jurisdiction over the contesting party;
- 32           B. The order was obtained by fraud;
- 33           C. The order has been vacated, suspended or modified by a later order;
- 34           D. The issuing tribunal has stayed the order pending appeal;
- 35           E. There is a defense under the laws of this State to the remedy sought;
- 36           F. Full or partial payment has been made;

1 G. The statute of limitation under section 3153 precludes enforcement of some or  
2 all of the alleged arrearages; or

3 H. The alleged controlling order is not the controlling order.

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

9 **3. Confirmation of order.** If the contesting party does not establish a defense under  
10 subsection 1 to the validity or enforcement of the a registered support order, the  
11 registering tribunal shall issue an order confirming the order.

12 **Sec. 73. 19-A MRSA §3204**, as enacted by PL 1995, c. 694, Pt. B, §2 and  
13 affected by Pt. E, §2, is amended to read:

14 **§3204. Confirmed order**

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

18 **Sec. 74. 19-A MRSA §3251**, as enacted by PL 1995, c. 694, Pt. B, §2 and  
19 affected by Pt. E, §2, is amended to read:

20 **§3251. Procedure to register child support order of another state for modification**

21 A party or support enforcement agency seeking to modify, or to modify and enforce,  
22 a child support order issued in another state shall register that order in this State in the  
23 same manner provided in ~~article 1~~ sections 3150 to 3204 if the order has not been  
24 registered. A petition for modification may be filed at the same time as a request for  
25 registration, or later. The pleading must specify the grounds for modification.

26 **Sec. 75. 19-A MRSA §3252**, as amended by PL 2003, c. 436, §42, is further  
27 amended to read:

28 **§3252. Effect of registration for modification**

29 A tribunal of this State may enforce a child support order of another state registered  
30 for purposes of modification in the same manner as if the order had been issued by a  
31 tribunal of this State, but the registered support order may be modified only if the  
32 requirements of section 3253, ~~or 3255 or 3257~~ have been met.

33 **Sec. 76. 19-A MRSA §3253, sub-§1**, as repealed and replaced by PL 2003, c.  
34 436, §43, is amended to read:

35 **1. Modification of child support order of another state.** If section 3255 does not  
36 apply, ~~except as otherwise provided in section 3257,~~ upon petition a tribunal of this State

1 upon petition may modify a child support order issued in another state that has been  
2 registered in this State if, after notice and hearing, the tribunal finds that:

3 A. The following requirements are met:

4 (1) Neither the child, nor the obligee who is an individual, nor the obligor  
5 resides in the issuing state;

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

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

9 B. This State is the ~~state of~~ residence of the child, or a party who is an individual is  
10 subject to the personal jurisdiction of the tribunal and all of the parties who are  
11 individuals have filed consents in a record in the issuing tribunal for a tribunal of this  
12 State to modify the support order and assume continuing, exclusive jurisdiction.

13 **Sec. 77. 19-A MRSA §3253, sub-§3**, as repealed and replaced by PL 2003, c.  
14 436, §43, is amended to read:

15 **3. No modification.** ~~Except as provided in section 3257, a~~ A tribunal of this State  
16 may not modify any aspect of a child support order that may not be modified under the  
17 law of the issuing state, including the duration of the obligation of support. If 2 or more  
18 tribunals have issued child support orders for the same obligor and same child, the order  
19 that controls and must be recognized under section 2967 establishes the aspects of the  
20 child support order that are nonmodifiable.

21 **Sec. 78. 19-A MRSA §3253, sub-§6** is enacted to read:

22 **6. Retained jurisdiction to modify an order issued in this State. Notwithstanding**  
23 **subsections 1 to 4 and section 2961, subsection 2, a tribunal of this State retains**  
24 **jurisdiction to modify an order issued by a tribunal of this State if:**

25 **A. One party resides in another state; and**

26 **B. The other party resides outside the United States.**

27 **Sec. 79. 19-A MRSA §3255, sub-§2**, as enacted by PL 2003, c. 436, §45, is  
28 amended to read:

29 **2. Application of laws.** A tribunal of this State exercising jurisdiction under this  
30 section shall apply the provisions of subchapters 1 and 2-A, this subchapter and the  
31 procedural and substantive law of this State to the proceeding for enforcement or  
32 modification. Subchapters 3, 4, 5, ~~7~~ 7-A and 8 do not apply.

33 **Sec. 80. 19-A MRSA §3257**, as enacted by PL 2003, c. 436, §45, is repealed.

34 **Sec. 81. 19-A MRSA c. 67, sub-c. 6, art. 4** is enacted to read:

35 **ARTICLE 4**

1                    **REGISTRATION AND MODIFICATION OF FOREIGN CHILD**  
2    **SUPPORT ORDER**

3                    **§3261. Jurisdiction to modify child support order of foreign country**

4                    **1. Assumption of jurisdiction.** Except as otherwise provided in section 3321, if a  
5                    foreign country lacks or refuses to exercise jurisdiction to modify its child support order  
6                    pursuant to its laws, a tribunal of this State may assume jurisdiction to modify the child  
7                    support order and bind all individuals subject to the personal jurisdiction of the tribunal  
8                    whether the consent to modification of a child support order otherwise required of the  
9                    individual pursuant to section 3253 has been given or whether the individual seeking  
10                    modification is a resident of this State or of the foreign country.

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

13                    **§3262. Procedure to register child support order of foreign country for modification**

14                    A party or support enforcement agency seeking to modify, or to modify and enforce,  
15                    a foreign child support order not under the Convention may register that order in this  
16                    State as provided in sections 3150 to 3204 if the order has not been registered. A petition  
17                    for modification may be filed at the same time as a request for registration or at another  
18                    time. The petition must specify the grounds for modification.

19                    **Sec. 82.** 19-A MRSA c. 67, sub-c. 7, as amended, is repealed.

20                    **Sec. 83.** 19-A MRSA c. 67, sub-c. 7-A is enacted to read:

21    **SUBCHAPTER 7-A**

22    **SUPPORT PROCEEDINGS SUBJECT TO CONVENTION**

23                    **§3311. Definitions**

24                    As used in this subchapter, unless the context otherwise indicates, the following  
25                    terms have the following meanings.

26                    **1. Application.** "Application" means a request under the Convention by an obligee  
27                    or obligor, or on behalf of a child, made through a central authority for assistance from  
28                    another central authority.

29                    **2. Central authority.** "Central authority" means the entity designated by the United  
30                    States or a foreign country described in section 2802, subsection 3-A to perform the  
31                    functions specified in the Convention.

32                    **3. Convention support order.** "Convention support order" means a support order  
33                    of a tribunal of a foreign country described in section 2802, subsection 3-A.

1           **4. Direct request.** "Direct request" means a petition filed by an individual in a  
2 tribunal of this State in a proceeding involving an obligee, obligor or child residing  
3 outside the United States.

4           **5. Foreign support agreement.** "Foreign support agreement" means an agreement  
5 for support in a record that:

6           **A. Is enforceable as a support order in the country of origin;**

7           **B. Has been formally drawn up or registered as an authentic instrument by a foreign**  
8 **tribunal or authenticated by or concluded, registered or filed with a foreign tribunal;**  
9 **and**

10           **C. May be reviewed and modified by a foreign tribunal.**

11           **"Foreign support agreement" includes a maintenance arrangement or authentic instrument**  
12 **under the Convention.**

13           **6. United States central authority.** "United States central authority" means the  
14 Secretary of the United States Department of Health and Human Services.

15           **§3312. Applicability**

16           **This subchapter applies only to a support proceeding under the Convention. In such a**  
17 **proceeding, if a provision of this subchapter is inconsistent with a provision in**  
18 **subchapters 1 to 6, this subchapter controls.**

19           **§3313. Relationship of the department to United States central authority**

20           **The Department of Health and Human Services of this State is recognized as the**  
21 **agency designated by the United States central authority to perform specific functions**  
22 **under the Convention.**

23           **§3314. Initiation by department of support proceedings**

24           **1. Duty of department.** In a proceeding pursuant to this subchapter, the department  
25 shall:

26           **A. Transmit and receive applications; and**

27           **B. Initiate or facilitate the institution of a proceeding regarding an application in a**  
28 **tribunal of this State.**

29           **2. Proceedings available to obligee.** The following support proceedings are  
30 available to an obligee under the Convention:

31           **A. Recognition or recognition and enforcement of a foreign support order;**

32           **B. Enforcement of a support order issued or recognized in this State;**

33           **C. Establishment of a support order if there is no existing order, including, if**  
34 **necessary, determination of parentage of a child;**

35           **D. Establishment of a support order if recognition of a foreign support order is**  
36 **refused under section 3318;**

1 E. Modification of a support order of a tribunal of this State; and

2 F. Modification of a support order of a tribunal of another state or a foreign country.

3 **3. Proceedings available to obligor.** The following support proceedings are  
4 available under the Convention to an obligor against whom there is an existing support  
5 order:

6 A. Recognition of an order suspending or limiting enforcement of an existing  
7 support order of a tribunal of this State;

8 B. Modification of a support order of a tribunal of this State; and

9 C. Modification of a support order of a tribunal of another state or a foreign country.

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

13 **§3315. Direct request**

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

18 **2. Recognition and enforcement of support order or agreement.** A petitioner  
19 may file a direct request seeking recognition and enforcement of a support order or  
20 support agreement. In the proceeding, the provisions of sections 3316 to 3323 apply.

21 **3. Guarantee of payment of costs may not be required; free legal assistance.** In  
22 a direct request seeking recognition and enforcement of a Convention support order or  
23 foreign support agreement:

24 A. A security, bond or deposit is not required to guarantee the payment of costs and  
25 expenses; and

26 B. An obligee or obligor who in the issuing country has benefited from free legal  
27 assistance is entitled to benefit, at least to the same extent, from any free legal  
28 assistance provided for by the laws of this State under the same circumstances.

29 **4. No assistance from the department.** A petitioner filing a direct request is not  
30 entitled to receive assistance from the department.

31 **5. Application of laws of this State.** This subchapter does not prevent the  
32 application of laws of this State that provide simplified, more expeditious rules regarding  
33 a direct request for recognition and enforcement of a foreign support order or foreign  
34 support agreement.

35 **§3316. Registration of Convention support order**

36 **1. General requirement.** Except as otherwise provided in this subchapter, a party  
37 who is an individual or a support enforcement agency seeking recognition of a

1 Convention support order shall register the order in this State as provided in subchapter  
2 6.

3 **2. Additional requirements.** Notwithstanding section 3011 and section 3151,  
4 subsection 1, a request for registration of a Convention support order must be  
5 accompanied by:

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

9 B. A record stating that the support order is enforceable in the issuing country;

10 C. If the respondent did not appear and was not represented in the proceedings in the  
11 issuing country, a record attesting, as appropriate, either that the respondent had  
12 proper notice of the proceedings and an opportunity to be heard, or that the  
13 respondent had proper notice of the support order and an opportunity to challenge or  
14 appeal it on fact or law before a tribunal;

15 D. A record showing the amount of arrears, if any, and the date the amount was  
16 calculated;

17 E. A record showing a requirement for automatic adjustment of the amount of  
18 support, if any, and the information necessary to make the appropriate calculations;  
19 and

20 F. If necessary, a record showing the extent to which the applicant received free legal  
21 assistance in the issuing country.

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

24 **4. Refusal to register.** A tribunal of this State may vacate the registration of a  
25 Convention support order, without the filing of a contest under section 3317, only if,  
26 acting on its own motion, the tribunal finds that recognition and enforcement of the order  
27 would be manifestly incompatible with public policy.

28 **5. Notice.** A tribunal of this State shall promptly notify the parties to a foreign  
29 support order of the registration or the order vacating the registration of a Convention  
30 support order.

31 **§3317. Contest of registered Convention support order**

32 **1. General requirements.** Except as otherwise provided in this subchapter, sections  
33 3201 to 3204 apply to a contest of a registered Convention support order.

34 **2. Additional requirements.** A party contesting a registered Convention support  
35 order shall file a contest not later than 30 days after notice of the registration, except that  
36 if the contesting party does not reside in the United States, the contest must be filed not  
37 later than 60 days after notice of the registration.



1           **3. Enforceable by operation of law.** If the nonregistering party fails to contest the  
2 registered Convention support order by the time specified in subsection 2, the order is  
3 enforceable.

4           **4. Basis.** A contest of a registered convention support order may be based only on  
5 grounds set forth in section 3318. The contesting party bears the burden of proof.

6           **5. Limitations.** In a contest of a registered Convention support order, a tribunal of  
7 this State:

8           **A.** Is bound by the findings of fact on which the foreign tribunal based its  
9 jurisdiction; and

10           **B.** May not review the merits of the support order.

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

13           **7. No stay on appeal.** A challenge or appeal, if any, does not stay the enforcement of  
14 a Convention support order unless there are exceptional circumstances.

15           **§3318. Recognition and enforcement of registered Convention support order**

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

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

21           **A.** Recognition and enforcement of the order is manifestly incompatible with public  
22 policy, including the failure of the issuing tribunal to observe minimum standards of  
23 due process, which include notice and an opportunity to be heard;

24           **B.** The issuing tribunal lacked personal jurisdiction consistent with section 2961;

25           **C.** The order is not enforceable in the issuing country;

26           **D.** The order was obtained by fraud in connection with a matter of procedure;

27           **E.** A record transmitted in accordance with section 3316 lacks authenticity or  
28 integrity;

29           **F.** A proceeding between the same parties and having the same purpose is pending  
30 before a tribunal of this State and that proceeding was the first to be filed;

31           **G.** The order is incompatible with a more recent support order involving the same  
32 parties and having the same purpose if the more recent support order is entitled to  
33 recognition and enforcement under this chapter in this State;

34           **H.** The payment of arrears, to the extent alleged arrears have been paid in whole or in  
35 part;

36           **I.** In a case in which the respondent neither appeared nor was represented in the  
37 proceeding in the issuing foreign country;

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

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

7           J. The order was made in violation of section 3321.

8           **3. Convention support orders not recognized.** If a tribunal of this State does not  
9           recognize a Convention support order under subsection 2, paragraph B, D, F or I:

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

12          B. The department shall take all appropriate measures to request a child support  
13          order for the obligee if the application for recognition and enforcement was received  
14          under section 3314.

15          **§3319. Partial enforcement**

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

19          **§3320. Foreign support agreement**

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

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

24          A. A complete text of the foreign support agreement; and

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

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

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

33          A. Recognition and enforcement of the agreement is manifestly incompatible with  
34          public policy;

35          B. The agreement was obtained by fraud or falsification;

36          C. The agreement is incompatible with a support order involving the same parties  
37          and having the same purpose in this State, another state or a foreign country if the

1 support order is entitled to recognition and enforcement under this chapter in this  
2 State; or

3 D. The record submitted under subsection 2, paragraph B lacks authenticity or  
4 integrity.

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

8 **§3321. Modification of child support order subject to Convention**

9 1. Obligee resident of the foreign country. A tribunal of this State may not modify  
10 a Convention child support order if the obligee remains a resident of the foreign country  
11 where the support order was issued unless:

12 A. The obligee submits to the jurisdiction of a tribunal of this State, either expressly  
13 or by defending on the merits of the case without objecting to the jurisdiction at the  
14 first available opportunity; or

15 B. The foreign tribunal lacks or refuses to exercise jurisdiction to modify its support  
16 order or issue a new support order.

17 2. Application of section 3318. If a tribunal of this State cannot modify the foreign  
18 child support order because the order is unable to be recognized in this State, the  
19 provisions of section 3318, subsection 3 apply.

20 **§3322. Personal information; limit on use**

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

23 **§3323. Record in original language; English translation**

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

26 **Sec. 84. Maine Revised Statutes headnote amended; revision clause.** In  
27 the Maine Revised Statutes, Title 19-A, chapter 67, subchapter 4, in the subchapter  
28 headnote, the words "establishment of support order" are amended to read "establishment  
29 of support order or determination of parentage" and the Revisor of Statutes shall  
30 implement this revision when updating, publishing or republishing the statutes.

31 **Sec. 85. Maine Revised Statutes headnote amended; revision clause.** In  
32 the Maine Revised Statutes, Title 19-A, chapter 67, subchapter 5, in the subchapter  
33 headnote, the words "enforcement of order of another state without registration" are  
34 amended to read "enforcement of support order without registration" and the Revisor of  
35 Statutes shall implement this revision when updating, publishing or republishing the  
36 statutes.

1           **Sec. 86. Maine Revised Statutes headnote amended; revision clause.** In  
2 the Maine Revised Statutes, Title 19-A, chapter 67, subchapter 6, article 3, in the article  
3 headnote, the words "registration and modification of child support order" are amended to  
4 read "registration and modification of child support order of another state" and the  
5 Revisor of Statutes shall implement this revision when updating, publishing or  
6 republishing the statutes.

7           **Sec. 87. Contingent effective date.** This Act takes effect upon the ratification by  
8 the United States of the Convention on the International Recovery of Child Support and  
9 Other Forms of Family Maintenance, concluded at The Hague on November 23, 2007.  
10 The Commissioner of Health and Human Services shall notify the joint standing  
11 committee of the Legislature having jurisdiction over judiciary matters and the Revisor of  
12 Statutes when the United States has ratified the Convention on the International Recovery  
13 of Child Support and Other Forms of Family Maintenance.

14

**SUMMARY**

15           This bill amends, repeals and enacts new sections of the Uniform Interstate Family  
16 Support Act in accordance with the most recent amendments approved by the National  
17 Conference of Commissioners on Uniform State Laws during its meeting in July 2008. In  
18 addition to numerous technical changes, this bill:

19           1. Enacts a section that specifies what provisions of the Uniform Interstate Family  
20 Support Act apply to a resident of a foreign country and a foreign support proceeding;

21           2. Enacts a provision that specifies that, notwithstanding the restrictions on  
22 modification stated elsewhere in the Uniform Interstate Family Support Act, a tribunal of  
23 this State retains jurisdiction to modify an order issued by a tribunal of this State if one  
24 party resides in another state and the other party resides in a foreign country;

25           3. Enacts a section that specifies how a foreign support order not subject to the  
26 Convention on the International Recovery of Child Support and Other Forms of Family  
27 Maintenance may be modified in this State; and

28           4. Enacts a new subchapter on support proceedings subject to the Convention that  
29 specifies how a foreign support order subject to the Convention may be enforced or  
30 modified in this State.