

LD4756837

SENATE BILL NO. 778

Offered January 17, 1995

A BILL to amend and reenact §§ 20-88.32, 20-88.36 and 20-88.67 of the Code of Virginia, relating to the Uniform Interstate Family Support Act.

Patron—Gartlan

Referred to the Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 20-88.32, 20-88.36 and 20-88.67 of the Code of Virginia is amended and reenacted as follows:

§ 20-88.32. Definitions.

In this chapter:

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

"Duty of support" means an obligation imposed or imposed by law to provide support for a child, spouse, or former spouse, including an unsatisfied obligation to provide support.

"Home state" means 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" 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 Commonwealth.

"Income-withholding order" means an order or other legal process directed to an obligor's employer or other debtor, to withhold amounts for child or spousal support from the obligor's earnings as defined in § 63.1-250.

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

"Initiating tribunal" means the authorized tribunal in an initiating state.

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

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

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

"Obligee" means (i) 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, (ii) 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, or (iii) an individual seeking a judgment determining parentage of the individual's child.

"Obligor" means an individual, or the estate of a decedent, who (i) owes or is alleged to owe a duty of support, (ii) is alleged but has not been adjudicated to be a parent of a child, or (iii) is liable under a support order.

"Register" means to file a support order or judgment determining parentage in the ~~circuit court~~ *juvenile and domestic relations district court or with the Division of Child Support Enforcement of the Department of Social Services.*

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

"Responding state" means a state to which a proceeding is forwarded under this chapter or a law substantially similar to this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act.

"Responding tribunal" means the authorized tribunal in a responding state.

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

"State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or insular possession subject to the jurisdiction of the United States. The term

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60 "state" includes a Native American tribe and includes a foreign jurisdiction that has established
61 procedures for issuance and enforcement of support orders which are substantially similar to the
62 procedures under this chapter.

63 "Support enforcement agency" means a public official or agency authorized to seek enforcement of
64 support orders or laws relating to the duty of support, establishment or modification of child support,
65 determination of parentage, or locating obligors or their assets.

66 "Support order" means a judgment, decree, or order, whether temporary, final, or subject to
67 modification, for the benefit of a child, a spouse, or a former spouse, which provides for monetary
68 support, health care, arrearages, or reimbursement, and may include related costs and fees, interest,
69 income withholding, attorney's fees, and other relief.

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

72 § 20-88.36. Procedure when exercising jurisdiction over nonresident.

73 A tribunal of this Commonwealth exercising personal jurisdiction over a nonresident under
74 § 20-88.35 may apply § 20-88.59 to receive evidence from another state, and § 20-88.61 to obtain
75 discovery through a tribunal of another state. In all other respects, Articles 3 5(§ 20-88.37 20-88.44 et
76 seq.) through 7 10(§ 20-88.64 20-88.78.) do not apply, and the tribunal shall apply the procedural and
77 substantive laws of this Commonwealth, including the rules on choice of law other than those
78 established by this chapter.

79 § 20-88.67. Procedure to register order for enforcement.

80 A. A support order or income-withholding order of another state may be registered in this
81 Commonwealth by sending the following documents and information to the appropriate ~~court~~ *registering*
82 *tribunal*:

83 1. A letter of transmittal to the tribunal requesting registration and enforcement;

84 2. Two copies, including one certified copy, of all orders to be registered, including any modification
85 of an order;

86 3. A sworn statement by the party seeking registration or a certified statement by the custodian of the
87 records showing the amount of any arrearage;

88 4. The name of the obligor and, if known, (i) the obligor's address and social security number, (ii)
89 the name and address of the obligor's employer and any other source of income of the obligor, and (iii)
90 a description and the location of property of the obligor in this Commonwealth not exempt from
91 execution; and

92 5. The name and address of the obligee and, if applicable, the agency or person to whom support
93 payments are to be remitted.

94 B. On receipt of a request for registration, the registering tribunal shall cause the order to be filed as
95 a foreign ~~judgment support order~~, together with one copy of the documents and information, regardless
96 of their form. *Requests for registration received by the circuit courts during the period July 1, 1994,*
97 *through June 30, 1995, shall similarly be filed as foreign support orders.*

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