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**HOUSE BILL NO. 610**

Offered January 9, 2002

Prefiled January 8, 2002

*A BILL to amend and reenact §§ 20-88.32 through 20-88.36, 20-88.39, 20-88.40, 20-88.41, 20-88.43, 20-88.44, 20-88.46, 20-88.47, 20-88.48, 20-88.50, 20-88.54, 20-88.55, 20-88.59, 20-88.60, 20-88.62, 20-88.63, 20-88.64, 20-88.64:5, 20-88.67, 20-88.69, 20-88.70, 20-88.72, 20-88.76, 20-88.77, 20-88.78, and 20-88.80 of the Code of Virginia and to amend the Code of Virginia by adding in Article 4 of Chapter 5.3 of Title 20 sections numbered 20-88.43:1 and 20-88.43:2 and by adding in Article 9 of Chapter 5.3 of Title 20 a section numbered 20-88.77:3, relating to the Uniform Interstate Family Support Act.*

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 Patron—Bloxom
 

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Referred to Committee for Courts of Justice

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 20-88.32 through 20-88.36, 20-88.39, 20-88.40, 20-88.41, 20-88.43, 20-88.44, 20-88.46, 20-88.47, 20-88.48, 20-88.50, 20-88.54, 20-88.55, 20-88.59, 20-88.60, 20-88.62, 20-88.63, 20-88.64, 20-88.64:5, 20-88.67, 20-88.69, 20-88.70, 20-88.72, 20-88.76, 20-88.77, 20-88.78, and 20-88.80 of the Code of Virginia are amended and reenacted, and that the Code of Virginia is amended by adding in Article 4 of Chapter 5.3 of Title 20 sections numbered 20-88.43:1 and 20-88.43:2 and by adding in Article 9 of Chapter 5.3 of Title 20 a section numbered 20-88.77:3 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 imposable by law to provide support for a child, spouse, or former spouse, including an unsatisfied obligation to provide support.

"Employer" means the source of any income as defined in § 63.1-250.

"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 income as defined in § 63.1-250.

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

"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

INTRODUCED

HB610

59 support order.

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

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

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

66 "Responding state" means a state in which a proceeding is filed or to which a proceeding is  
67 forwarded for filing from an initiating state under this chapter or a law or procedure substantially similar  
68 to this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal  
69 Enforcement of Support Act.

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

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

72 "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States  
73 Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States. The  
74 term "state" includes a Native American tribe and includes a foreign jurisdiction that *has been declared*  
75 *to be a foreign reciprocating country under federal law, has established a child support reciprocity*  
76 *arrangement with the Commonwealth or has enacted a law or established procedures for issuance and*  
77 *enforcement of support orders which are substantially similar to the procedures under this chapter, the*  
78 *Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of*  
79 *Support Act.*

80 "Support enforcement agency" means a public official or agency authorized to seek enforcement of  
81 support orders or laws relating to the duty of support, establishment or modification of child support,  
82 determination of parentage, or locating obligors or their assets, *or determination of the controlling child*  
83 *support order.* A support enforcement agency of this Commonwealth is not authorized to establish or  
84 enforce a support order for spousal support only.

85 "Support order" means a judgment, decree, or order, *or directive*, whether temporary, final, or subject  
86 to modification, *issued by a tribunal* for the benefit of a child, a spouse, or a former spouse, which  
87 provides for monetary support, health care, arrearages, or reimbursement, and may include related costs  
88 and fees, interest, income withholding, attorney's fees, and other relief.

89 "Tribunal" means a court, administrative agency, or quasi-judicial entity authorized to establish,  
90 enforce, or modify support orders or to determine parentage; however, the support enforcement agency  
91 of this Commonwealth has no authority to establish or enforce a support order for spousal support only.

92 § 20-88.33. Tribunals of this Commonwealth.

93 The juvenile and domestic relations district courts, ~~or family courts upon their creation~~, circuit courts  
94 and the Department of Social Services are the tribunals of this Commonwealth.

95 § 20-88.34. Remedies cumulative.

96 Remedies provided by this chapter are cumulative and do not affect the availability of remedies  
97 under other law, *including the recognition of a foreign support order on the basis of comity. This*  
98 *chapter does not provide the exclusive method of establishing or enforcing a support order under the*  
99 *law of the Commonwealth or grant a tribunal of the Commonwealth jurisdiction to render judgment or*  
100 *issue an order relating to child custody and visitation in a proceeding under this chapter.*

101 § 20-88.35. Bases for jurisdiction over nonresident.

102 In a proceeding to establish, *or enforce, or modify* a support order or to determine parentage, a  
103 tribunal of this Commonwealth may exercise personal jurisdiction over a nonresident individual or the  
104 individual's guardian or conservator if:

105 1. The individual is personally served with process within this Commonwealth;

106 2. The individual submits to the jurisdiction of this Commonwealth by consent *in a record*, by  
107 entering a general appearance, or by filing a responsive document having the effect of waiving any  
108 contest to personal jurisdiction;

109 3. The individual resided with the child in this Commonwealth;

110 4. The individual resided in this Commonwealth and paid prenatal expenses or provided support for  
111 the child;

112 5. The child resides in this Commonwealth as a result of the acts or directives of the individual;

113 6. The exercise of personal jurisdiction is authorized under subdivision A8 of § 8.01-328.1; or

114 7. There is any other basis consistent with the constitutions of this Commonwealth and the United  
115 States for the exercise of personal jurisdiction.

116 *Unless §§ 20-88.76, 20-88.77:1 or 20-88.77:3 apply, the bases of personal jurisdiction set forth in*  
117 *this section may not be used to acquire jurisdiction for a tribunal of this Commonwealth to modify a*  
118 *child support order issued by a tribunal of another state.*

119 § 20-88.36. Procedure when exercising jurisdiction over nonresident.

120 A tribunal of this Commonwealth exercising personal jurisdiction over a nonresident under

121 § 20-88.35, or recognizing a foreign support order on the basis of comity may apply § 20-88.59 to  
122 receive evidence from another state or foreign jurisdiction, § 20-88.60 to communicate with the tribunal  
123 of another state or foreign jurisdiction, and § 20-88.61 to obtain discovery through a tribunal of another  
124 state or foreign jurisdiction. In all other respects, Articles 5 (§ 20-88.44 et seq.) through 10 (§ 20-88.78  
125 et seq.) do not apply, and the tribunal shall apply the procedural and substantive laws of this  
126 Commonwealth, including the rules on choice of law other than those established by this chapter.

127 § 20-88.39. Continuing, exclusive jurisdiction.

128 A. A tribunal of this Commonwealth issuing that has issued a support order consistent with the law  
129 of this Commonwealth has and shall exercise continuing, exclusive jurisdiction over to modify its child  
130 support order if the order is the controlling order, and:

131 1. As long as this Commonwealth remains At the time of the filing of a request for modification, the  
132 Commonwealth is the residence of the obligor, the individual obligee, or the child for whose benefit the  
133 support order is issued; or

134 2. Until all of the parties who are individuals have filed written consent with a tribunal of this  
135 Commonwealth for a tribunal of another state to modify the order and assume continuing, exclusive  
136 jurisdiction Even if the Commonwealth is not the residence of the obligor, the individual obligee, or the  
137 child for whose benefit the support order is issued, the parties consent in a record or in open court that  
138 the tribunal of the Commonwealth may continue to exercise its jurisdiction to modify its order.

139 B. A tribunal of this Commonwealth issuing that has issued a child support order consistent with the  
140 law of this Commonwealth may not exercise its continuing, exclusive jurisdiction to modify the order if  
141 the order has been modified by a tribunal of another state pursuant to a law substantially similar to this  
142 chapter.:

143 1. All of the parties who are individuals file consent in a record with the tribunal of the  
144 Commonwealth that a tribunal of another state with jurisdiction over at least one of the individual  
145 parties or the child may modify the order and assume continuing, exclusive jurisdiction; or

146 2. Its order is not the controlling order.

147 C. If a child support order of this Commonwealth is modified by a tribunal of another state pursuant  
148 to a law substantially similar to this chapter, a tribunal of this Commonwealth loses its continuing,  
149 exclusive jurisdiction with regard to prospective enforcement of the order issued in this Commonwealth,  
150 and may only:

151 1. Enforce the order that was modified as to amounts accruing before the modification;

152 2. Enforce nonmodifiable aspects of that order; and

153 3. Provide other appropriate relief for violations of that order which occurred before the effective  
154 date of the modification.

155 D. A tribunal of this Commonwealth shall recognize the continuing, exclusive jurisdiction of If a  
156 tribunal of another state which has issued a child support order pursuant to a law substantially similar to  
157 this chapter, and in so doing has modified a child support order of a tribunal of the Commonwealth,  
158 tribunals of the Commonwealth shall recognize the continuing, exclusive jurisdiction of the tribunal of  
159 the other state.

160 D. A tribunal of the Commonwealth, which lacks continuing, exclusive jurisdiction to modify a child  
161 support order may serve as an initiating tribunal to request a tribunal of another state to modify a  
162 support order issued in that state.

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

165 F. A tribunal of this Commonwealth issuing a support order consistent with the law of this  
166 Commonwealth has continuing, exclusive jurisdiction over a spousal support order throughout the  
167 existence of the support obligation. A tribunal of this Commonwealth may not modify a spousal support  
168 order issued by a tribunal of another state having continuing, exclusive jurisdiction over that order under  
169 the law of that state.

170 G. The support enforcement agency of this Commonwealth is not authorized to establish or enforce a  
171 support order for spousal support only.

172 § 20-88.40. Continuing jurisdiction to enforce child support order.

173 A. A tribunal of this Commonwealth that has issued a child support order consistent with the law of  
174 the Commonwealth may serve as an initiating tribunal to request a tribunal of another state to enforce or  
175 modify a support order issued in that state.:

176 1. The order if the order is the controlling order and has not been modified by a tribunal of another  
177 state, which assumed jurisdiction pursuant to this chapter; or

178 2. A money judgment for support arrears and interest on the order accumulated prior to a  
179 determination that an order of another state is the controlling order.

180 B. A tribunal of this Commonwealth having continuing, exclusive jurisdiction over a support order  
181 may act as a responding tribunal to enforce or modify the order. If a party subject to the continuing,

182 exclusive jurisdiction of the tribunal no longer resides in the issuing state, in subsequent proceedings the  
 183 tribunal may apply § 20-88.59 to receive evidence from another state and § 20-88.61 to obtain discovery  
 184 through a tribunal of another state.

185 C. A tribunal of this Commonwealth which lacks continuing, exclusive jurisdiction over a spousal  
 186 support order may not serve as a responding tribunal to modify a spousal support order of another state.

187 Article 4.

188 Reconciliation of Two or More Orders.

189 § 20-88.41. Determination of controlling child support orders.

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

192 B. If a proceeding is brought under this chapter, and two or more child support orders have been  
 193 issued by tribunals of this Commonwealth or another state with regard to the same obligor and *same*  
 194 child, a tribunal of this Commonwealth *having personal jurisdiction over both the obligor and individual*  
 195 *obligee* shall apply the following rules in determining which order to recognize for purposes of  
 196 continuing, exclusive jurisdiction:

197 1. If only one of the tribunals would have continuing, exclusive jurisdiction under this chapter, the  
 198 order of that tribunal controls and must be so recognized.

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

203 3. If none of the tribunals would have continuing, exclusive jurisdiction under this chapter, a tribunal  
 204 of this Commonwealth having jurisdiction over the parties shall issue a child support order, which  
 205 controls and must be so recognized.

206 C. If two or more child support orders have been issued for the same obligor and *same* child and if  
 207 the obligor or the individual obligee resides in this Commonwealth, a party may request a tribunal of  
 208 this Commonwealth *having personal jurisdiction over both the obligor and individual obligee* to  
 209 determine which order controls and must be recognized under subsection B. The request must be  
 210 accompanied by a certified copy of every support order in effect. The requesting party shall give notice  
 211 of the request to each party whose rights may be affected by a determination. *The request may be filed*  
 212 *with a registration for enforcement or registration for modification pursuant to Article 8 (§ 20-88.66 et*  
 213 *seq.), or may be filed as a separate proceeding.*

214 D. The tribunal that issued the controlling order under subsection A, B or C is the tribunal that  
 215 ~~has~~ may exercise continuing, exclusive jurisdiction ~~in accordance with~~ to the extent provided in § 20-88.39  
 216 or § 20-88.40.

217 E. A tribunal of this Commonwealth which determines by order the identity of the controlling child  
 218 support order under subdivision 1 or 2 of subsection B *or under subsection C* or which issues a new  
 219 controlling child support order under subdivision 3 of subsection B shall include in that order the basis  
 220 upon which the tribunal made its determination. *In addition, the tribunal shall state:*

221 1. *The amount of prospective support, if any; and*

222 2. *The total amount of consolidated arrears and accrued interest, if any, that exist under all of the*  
 223 *orders after all payments made are credited as provided by § 20-88.43.*

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

227 FG. Within thirty days after issuance of the order determining the identity of which is the controlling  
 228 order, the party obtaining that order shall file a certified copy of it with each tribunal that had issued or  
 229 registered an earlier order of child support. A party who obtains the order and fails to file a certified  
 230 copy is subject to appropriate sanctions by a tribunal in which the issue of failure arises. The failure to  
 231 file does not affect the validity or enforceability of the controlling order.

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

235 § 20-88.43. Credit for payments.

236 ~~Amounts~~ *A tribunal of the Commonwealth shall credit amounts collected and credited for a particular*  
 237 *period pursuant to a any child support order against the amounts owed for the same period under any*  
 238 *other child support order issued by a tribunal of this or another state must be credited against the*  
 239 *amounts accruing or accrued for the same period under a support order issued by the tribunal of this*  
 240 *Commonwealth.*

241 § 20-88.43:1. *Continuing, exclusive jurisdiction over nonresident party.*

242 *If a party subject to the continuing, exclusive jurisdiction of a tribunal of the Commonwealth no*  
 243 *longer resides in the issuing state, in subsequent proceedings the tribunal may apply § 20-88.59 to*

244 receive evidence from another state, § 20-88.60 to communicate with a tribunal of another state, and  
 245 § 20-88.61 to obtain discovery through a tribunal of another state. In all other respects, Articles 3  
 246 through 7 do not apply and the tribunal shall apply the procedural and substantive law of the  
 247 Commonwealth.

248 § 20-88.43:2. Continuing, exclusive jurisdiction to modify spousal support order.

249 A. A tribunal of the Commonwealth issuing a spousal support order consistent with the law of the  
 250 Commonwealth has continuing, exclusive jurisdiction to modify the spousal support order throughout the  
 251 existence of the support obligation.

252 B. A tribunal of the Commonwealth may not modify a spousal support order issued by a tribunal of  
 253 another state having continuing, exclusive jurisdiction over that order under the law of that state.

254 C. A tribunal of the Commonwealth that has continuing, exclusive jurisdiction over a spousal support  
 255 order may serve as:

256 1. An initiating tribunal to request a tribunal of another state to enforce the spousal support order  
 257 issued in the Commonwealth; or

258 2. A responding tribunal to enforce or modify its own spousal support order.

259 § 20-88.44. Proceedings under this chapter.

260 A. Except as otherwise provided in this chapter, this article applies to all proceedings under this  
 261 chapter.

262 B. This chapter provides for the following proceedings:

263 1. Establishment of an order for spousal support or child support pursuant to Article 6 (§ 20-88.63 et  
 264 seq.);

265 2. Enforcement of a support order and income-withholding order of another state without registration  
 266 pursuant to Article 7 (§ 20-88.64 et seq.);

267 3. Registration of an order for spousal support or child support of another state for enforcement  
 268 pursuant to Article 8 (§ 20-88.66 et seq.);

269 4. Modification of an order for child support or spousal support issued by a tribunal of this  
 270 Commonwealth pursuant to Article 3 (§ 20-88.37 et seq.) and Article 8 (§ 20-88.66 et seq.);

271 5. Registration of an order for child support of another state for modification pursuant to Article 9  
 272 (§ 20-88.74 et seq.);

273 6. Determination of parentage pursuant to Article 10 (§ 20-88.78 et seq.); and

274 7. Assertion of jurisdiction over nonresidents pursuant to Article 2 (§ 20-88.35 et seq.); and

275 8. Determination of the controlling order pursuant to Article 2 (§ 20-88.35 et seq.).

276 C. An individual or a support enforcement agency may commence a proceeding authorized under this  
 277 chapter by filing a petition in an initiating tribunal for forwarding to a responding tribunal or by filing a  
 278 petition or a comparable pleading directly in a tribunal of another state which has or can obtain personal  
 279 jurisdiction over the respondent.

280 § 20-88.46. Application of law of this Commonwealth.

281 Except as otherwise provided by this chapter, a responding tribunal of this Commonwealth shall  
 282 apply the procedural and substantive law, including the rules on choice of law, generally applicable to  
 283 similar proceedings originating in this Commonwealth and may exercise all powers and provide all  
 284 remedies available in those proceedings.

285 A responding tribunal of this Commonwealth shall determine the duty of support and the amount  
 286 payable in accordance with the law and support guidelines of this Commonwealth.

287 § 20-88.47. Duties of initiating tribunal.

288 A. Upon the filing of a petition authorized by this chapter, an initiating tribunal of this  
 289 Commonwealth shall forward three copies of the petition and its accompanying documents (i) to the  
 290 responding tribunal or appropriate support enforcement agency in the responding state or, (ii) if the  
 291 identity of the responding tribunal is unknown, to the state information agency of the responding state  
 292 with a request that they be forwarded to the appropriate tribunal and that receipt be acknowledged.

293 B. If a responding state has not enacted this act or a law or procedure substantially similar to this  
 294 act requested by the responding tribunal, a tribunal of this Commonwealth may shall issue a certificate or  
 295 other documents and make findings required by the law of the responding state. If the responding state  
 296 is a foreign jurisdiction, upon request the tribunal may shall specify the amount of support sought and,  
 297 provide the equivalent amount in the foreign currency under applicable official exchange rates as  
 298 publicly reported, or provide other documents necessary to satisfy the requirements of the responding  
 299 state.

300 § 20-88.48. Duties and powers of responding tribunal.

301 A. When a responding tribunal of this Commonwealth receives a petition or comparable pleading  
 302 from an initiating tribunal or directly pursuant to subsection C of § 20-88.44, it shall cause the petition  
 303 or pleading to be filed and notify the petitioner where and when it was filed. An order for spousal  
 304 support only shall be forwarded to the appropriate juvenile and domestic relations or family court.

305 B. A responding tribunal of this Commonwealth, to the extent otherwise authorized by law, may do  
 306 one or more of the following:

- 307 1. Issue or enforce a support order, modify a child support order, *determine the controlling child*  
 308 *support order* or render a judgment to determine parentage;  
 309 2. Order an obligor to comply with a support order, specifying the amount and the manner of  
 310 compliance;  
 311 3. Order income withholding;  
 312 4. Determine the amount of any arrearages, and specify a method of payment;  
 313 5. Enforce orders by civil or criminal contempt, or both;  
 314 6. Set aside property for satisfaction of the support order;  
 315 7. Place liens and order execution on the obligor's property;  
 316 8. Order an obligor to keep the tribunal informed of the obligor's current residential address,  
 317 telephone number, employer, address of employment, and telephone number at the place of employment;  
 318 9. Issue a capias for an obligor who has failed after proper notice to appear at a hearing ordered by  
 319 the tribunal and enter the capias in any local and state computer systems for criminal warrants;  
 320 10. Order the obligor to seek appropriate employment by specified methods;  
 321 11. Award reasonable attorney's fees and other fees and costs; and  
 322 12. Grant any other available remedy.

323 C. A responding tribunal of this Commonwealth shall include in a support order issued under this  
 324 chapter or in the documents accompanying the order, the calculations on which the support order is  
 325 based.

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

328 E. If a responding tribunal of this Commonwealth issues an order under this chapter, the tribunal  
 329 shall promptly send a copy of the order to the petitioner and the respondent and to the initiating  
 330 tribunal, if any.

331 *F. If requested to enforce or modify a support order, arrears, or judgment stated in a foreign*  
 332 *currency, a responding tribunal of the Commonwealth shall convert the amount stated in the foreign*  
 333 *currency to the equivalent amount in dollars under applicable official exchange rates as publicly*  
 334 *reported.*

335 § 20-88.50. Duties of support enforcement agency.

336 A. A support enforcement agency of this Commonwealth, upon request, shall provide services to a  
 337 petitioner in a proceeding under this chapter. A support enforcement agency that is providing services to  
 338 the petitioner as appropriate shall:

- 339 1. Take all steps necessary to enable an appropriate tribunal in this Commonwealth or another state  
 340 to obtain jurisdiction over the respondent;  
 341 2. Request an appropriate tribunal to set a date, time, and place for a hearing;  
 342 3. Make a reasonable effort to obtain all relevant information, including information as to income  
 343 and property of the parties;  
 344 4. ~~Within~~ *Send a copy of the notice to the petitioner within* two days, exclusive of Saturdays,  
 345 Sundays, and legal holidays, after receipt of a ~~written~~ *notice in a record* from an initiating, responding,  
 346 or registering tribunal; ~~send a copy of the notice to the petitioner;~~  
 347 5. ~~Within~~ *Send a copy of the notice to the petitioner within* two days, exclusive of Saturdays,  
 348 Sundays, and legal holidays, after receipt of a ~~written~~ *communication in a record* from the respondent or  
 349 the respondent's attorney; ~~send a copy of the communication to the petitioner;~~ and  
 350 6. Notify the petitioner if jurisdiction over the respondent cannot be obtained.

351 B. A support enforcement agency of the Commonwealth that is requesting registration of a child  
 352 support order for enforcement or for modification in the Commonwealth shall make reasonable efforts:

- 353 1. *To ensure that the order to be registered is the controlling order; or*  
 354 2. *To ensure that, if two or more child support orders exist and the identity of the controlling order*  
 355 *has not been determined, a request for such a determination is made in a tribunal with jurisdiction to*  
 356 *do so.*

357 C. A support enforcement agency of the Commonwealth that is requesting registration and  
 358 enforcement of a support order, arrears, or judgment stated in a foreign currency shall convert the  
 359 amounts stated in the foreign currency into the equivalent amounts in dollars under applicable official  
 360 exchange rates as publicly reported.

361 D. A support enforcement agency of the Commonwealth shall issue or request a tribunal of the  
 362 Commonwealth to issue a child support order and an income-withholding order that redirect payment of  
 363 current support, arrears, and interest if requested to do so by a support enforcement agency of another  
 364 state pursuant to § 20-88.62.

365 E. This chapter does not create or negate a relationship of attorney and client or other fiduciary  
 366 relationship between a support enforcement agency or the attorney for the agency and the individual

367 being assisted by the agency.

368 § 20-88.54. Pleadings and accompanying documents.

369 A. ~~In a proceeding under this chapter, a petitioner seeking to establish or modify a support order,~~  
 370 ~~or to determine parentage in a proceeding under this chapter or to register and modify a support order~~  
 371 ~~of another state must verify the file a petition.~~ Unless otherwise ordered under § 20-88.55, the petition or  
 372 accompanying documents must provide, so far as known, the name, residential address, and social  
 373 security numbers of the obligor and the obligee, and the name, sex, residential address, social security  
 374 number, and date of birth of each child for ~~whom~~ *whose benefit* support is sought. ~~The~~ *Unless filed at the*  
 375 *time of registration, the petition must be accompanied by a certified copy of any support order in*  
 376 *effect known to have been issued by another tribunal.* The petition may include any other information  
 377 that may assist in locating or identifying the respondent.

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

381 § 20-88.55. Nondisclosure of information in exceptional circumstances.

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

391 § 20-88.59. Special rules of evidence and procedure.

392 A. The physical presence of ~~the petitioner in a responding~~ *an individual, nonresident party* tribunal of  
 393 this Commonwealth is not required for the establishment, enforcement, or modification of a support  
 394 order or the rendition of a judgment determining parentage.

395 B. ~~A verified petition.~~ *An affidavit, a document substantially complying with federally mandated*  
 396 *forms, and/or a document incorporated by reference in any of them, which would not be excluded under*  
 397 *the hearsay rule if given in person, are admissible in evidence if given under oath* *penalty of perjury* by a  
 398 party or witness residing in another state.

399 C. A copy of the record of child support payments certified as a true copy of the original by the  
 400 custodian of the record may be forwarded to a responding tribunal. The copy is evidence of facts  
 401 asserted in it and is admissible to show whether payments were made.

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

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

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

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

415 H. A privilege against disclosure of communication between spouses does not apply in a proceeding  
 416 under this chapter.

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

419 J. *A voluntary acknowledgment of paternity, certified as a true copy, is admissible to establish*  
 420 *parentage of the child.*

421 § 20-88.60. Communications between tribunals.

422 A tribunal of this Commonwealth may communicate with a tribunal of another state *or foreign*  
 423 *jurisdiction* in writing, or by telephone or other means, to obtain information concerning the laws ~~of that~~  
 424 *state; the legal effect of a judgment, decree, or order of that tribunal; and the status of a proceeding in*  
 425 *the other state or foreign jurisdiction.* A tribunal of this Commonwealth may furnish similar information  
 426 by similar means to a tribunal of another state.

427 § 20-88.62. Receipt and disbursement of payments.

428 A. A support enforcement agency or tribunal of this Commonwealth shall disburse promptly any  
 429 amounts received pursuant to a support order, as directed by the order. The agency or tribunal shall  
 430 furnish to a requesting party or tribunal of another state a certified statement by the custodian of the  
 431 record of the amounts and dates of all payments received.

432 B. *If the obligor, individual obligee, and the child do not reside in the Commonwealth, upon request*  
 433 *from the support enforcement agency of the Commonwealth or another state, the support enforcement*  
 434 *agency of the Commonwealth or a tribunal of the Commonwealth shall:*

435 1. *Direct that the support payment be made to the support enforcement agency in the state in which*  
 436 *the obligee is receiving services; and*

437 2. *Issue a conforming income-withholding order or an administrative notice of change of payee,*  
 438 *reflecting the redirected payments.*

439 C. *The support enforcement agency of the Commonwealth receiving redirected payments pursuant to*  
 440 *subsection B shall furnish to a requesting party or tribunal of another state a certified statement by the*  
 441 *custodian of the record of the amount and dates of all payments received.*

442 § 20-88.63. Petition to establish support order.

443 A. If a support order entitled to recognition under this chapter has not been issued, a responding  
 444 tribunal of this Commonwealth may issue a support order if (i) the individual seeking the order resides  
 445 in another state or (ii) the support enforcement agency seeking the order is located in another state.

446 B. The tribunal may issue a temporary child support order if ~~(i) the respondent has signed a verified~~  
 447 ~~statement acknowledging parentage, (ii) the respondent has been determined by or pursuant to law to be~~  
 448 ~~the parent, or (iii) there is other clear and convincing evidence that the respondent is the child's~~  
 449 ~~parent~~*the tribunal determines that such an order is appropriate and the individual ordered to pay is:*

450 1. *A presumed father of the child;*

451 2. *Petitioning to have his paternity adjudicated;*

452 3. *Identified as the father of the child through genetic testing;*

453 4. *An alleged father who has declined to submit to genetic testing;*

454 5. *Shown by clear and convincing evidence to be the father of the child;*

455 6. *An acknowledged father as provided by applicable state law;*

456 7. *The mother of the child; or*

457 8. *An individual who has been ordered to pay child support in a previous proceeding that has not*  
 458 *been reversed or vacated.*

459 C. Upon finding, after notice and opportunity to be heard, that an obligor owes a duty or support, the  
 460 tribunal shall issue a support order directed to the obligor and may issue other orders pursuant to  
 461 § 20-88.48.

462 § 20-88.64. Employer's receipt of income-withholding order of another state.

463 An income-withholding order issued in another state may be sent *by or on behalf of the obligee, or*  
 464 *by the support enforcement agency,* to the person or entity defined as the obligor's employer as defined  
 465 in § 63.1-250 under the income-withholding law of this Commonwealth without first filing a petition or  
 466 comparable pleading or registering the order with a tribunal of this Commonwealth.

467 § 20-88.64:5. Contest by obligor.

468 An obligor may contest the validity or enforcement of an income-withholding order issued in another  
 469 state and received directly by an employer in this Commonwealth *by registering the order in a tribunal*  
 470 *of the Commonwealth and filing a contest to that order as provided in Article 8 (§ 20-88.66 et seq.) or*  
 471 *otherwise contesting the order* in the same manner as if the order had been issued by a tribunal of this  
 472 Commonwealth. Section 20-88.69 applies to the contest. The obligor shall give notice of the contest to  
 473 (i) a support enforcement agency providing services to the obligee, (ii) each employer which has directly  
 474 received an income-withholding order, and (iii) the person or agency designated to receive payments in  
 475 the income-withholding order or if no person or agency is designated, the obligee.

476 § 20-88.67. Procedure to register order for enforcement.

477 A. A support order or income-withholding order of another state may be registered in this  
 478 Commonwealth by sending the following ~~documents~~ *records* and information to the appropriate  
 479 registering tribunal:

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

481 2. Two copies, including one certified copy, of ~~all orders~~ *the order* to be registered, including any  
 482 modification of ~~an~~ *that* order;

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

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

489 5. ~~The~~ *Except as otherwise provided in § 20-88.55, the name and address of the obligee and, if*

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

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

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

498 *D. If two or more orders are in effect, the agency or individual requesting registration shall:*

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

501 *2. Specify the order alleged to be the controlling order, if any; and*

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

503 *E. A request for a determination of which is the controlling order may be filed with a request for*  
 504 *registration and enforcement, for registration and modification, or may be filed separately. The agency*  
 505 *or individual requesting registration shall give notice of the request to each party whose rights may be*  
 506 *affected by the determination.*

507 § 20-88.69. Choice of law; statute of limitations.

508 A. ~~The~~ *Except as otherwise provided in subsection D, the law of the issuing state governs (i) the*  
 509 *nature, extent, amount, and duration of current payments and other obligations of support and under the*  
 510 *support order; (ii) the computation and payment of arrearages and accrual of interest on the arrearages*  
 511 *under the support order; and (iii) the existence and satisfaction of other obligations under the support*  
 512 *order.*

513 B. In a proceeding for arrearages, the statute of limitations under the laws of this Commonwealth or  
 514 of the issuing state, whichever is longer, applies.

515 C. *A responding tribunal of the Commonwealth shall apply the procedures and remedies of the*  
 516 *Commonwealth to enforce current support and collect arrearages and interest due on a support order of*  
 517 *another state.*

518 *D. After a tribunal of this or another state determines which is the controlling order and issues an*  
 519 *order consolidating arrears, if any, a tribunal of the Commonwealth shall prospectively apply the law of*  
 520 *the state issuing the controlling order, including its law on interest on arrears, on current and future*  
 521 *support, and on consolidated arrears.*

522 § 20-88.70. Contest of validity or enforcement; registration of order.

523 A. When a support order or income-withholding order issued in another state is registered, the  
 524 registering tribunal shall notify the nonregistering party. The notice must be accompanied by a copy of  
 525 the registered order and the documents and relevant information accompanying the order.

526 B. ~~The~~ A notice must inform the nonregistering party:

527 *1. That a registered order is enforceable as of the date of registration in the same manner as an order*  
 528 *issued by a tribunal of this Commonwealth;*

529 *2. That a hearing to contest the validity or enforcement of the registered order must be requested*  
 530 *within twenty days after the notice;*

531 *3. That failure to contest the validity or enforcement of the registered order in a timely manner will*  
 532 *result in confirmation of the order and enforcement of the order and the alleged arrearages and precludes*  
 533 *further contest of that order with respect to any matter that could have been asserted; and*

534 *4. Of the amount of any alleged arrearages.*

535 C. Upon registration of an income-withholding order for enforcement, the registering tribunal shall  
 536 notify the obligor's employer pursuant to the income-withholding for support law of this Commonwealth.

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

538 *1. Identify the two or more orders and the order alleged by the registering agency or individual to*  
 539 *be the controlling order, if any, and the consolidated arrears, if any;*

540 *2. Notify the nonregistering party of the right to a determination of which is the controlling order;*

541 *3. State that the procedures provided in subsection B apply to the determination of which is the*  
 542 *controlling order; and*

543 *4. State that failure to contest the validity or enforcement of the order alleged to be the controlling*  
 544 *order in a timely manner may result in confirmation of the order as the controlling order.*

545 § 20-88.72. Contest of registration or enforcement.

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

548 *1. The issuing tribunal lacked personal jurisdiction over the contesting party;*

549 *2. The order was obtained by fraud;*

550 *3. The order has been vacated, suspended, or modified by a later order;*

551 4. The issuing tribunal has stayed the order pending appeal;

552 5. There is a defense under the law of this Commonwealth to the remedy sought;

553 6. Full or partial payment has been made; ~~or~~

554 7. The statute of limitations under § 20-88.69 precludes enforcement of some or all of the *alleged*

555 *arrearages; or*

556 8. *The alleged controlling order is not the controlling order.*

557 B. If a party presents evidence establishing a full or partial defense under subsection A, a tribunal

558 may stay enforcement of the registered order, continue the proceeding to permit production of additional

559 relevant evidence, and issue other appropriate orders. An uncontested portion of the registered order may

560 be enforced by all remedies available under the law of this Commonwealth.

561 C. If the contesting party does not establish a defense under subsection A to the validity or

562 enforcement of the order, the registering tribunal shall issue an order confirming the order.

563 § 20-88.76. Modification of child support order of another state.

564 A. ~~After~~ *If § 20-88.77:1 does not apply and except as otherwise provided in § 20-88.77:3, upon*

565 *petition a tribunal of the Commonwealth may modify a child support order issued in another state*

566 *has been which is registered in this Commonwealth, the responding tribunal of this Commonwealth may*

567 *modify that order only if § 20-88.77:1 does not apply and after notice and hearing it, the tribunal finds*

568 *that:*

569 1. The following requirements are met:

570 a. The child, the individual obligee, and the obligor do not reside in the issuing state;

571 b. A petitioner who is a nonresident of this Commonwealth seeks modification; and

572 c. The respondent is subject to the personal jurisdiction of the tribunal of this Commonwealth; or

573 2. The child or a party who is an individual is subject to the personal jurisdiction of the tribunal of

574 this Commonwealth and all of the individual parties have filed ~~written~~ *consents in a record* in the

575 issuing tribunal for a tribunal of this Commonwealth to modify the support order and assume

576 continuing, exclusive jurisdiction. ~~over the order. However, if the issuing state is a foreign jurisdiction~~

577 ~~that has not enacted a law or established procedures substantially similar to the procedures under this~~

578 ~~chapter, the consent otherwise required of an individual residing in this Commonwealth is not required~~

579 ~~for the tribunal to assume jurisdiction to modify the child support order.~~

580 B. Modification of a registered child support order is subject to the same requirements, procedures,

581 and defenses that apply to the modification of an order issued by a tribunal of this Commonwealth and

582 the order may be enforced and satisfied in the same manner.

583 C. A tribunal of this Commonwealth may not modify any aspect of a child support order that may

584 not be modified under the law of the issuing state. If two or more tribunals have issued child support

585 orders for the same obligor and child, the order that controls and must be so recognized under

586 § 20-88.41 establishes the aspects of the support order which are nonmodifiable.

587 D. *In a proceeding to modify a child support order, the law of the state that is determined to have*

588 *issued the initial controlling order governs the duration of the obligation of support. The obligor's*

589 *fulfillment of the duty of support established by that order precludes imposition of a further obligation*

590 *of support by a tribunal of the Commonwealth.*

591 E. On issuance of an order *by a tribunal of the Commonwealth* modifying a child support order

592 issued in another state, ~~the~~ *tribunal of this Commonwealth becomes the tribunal having continuing,*

593 *exclusive jurisdiction.*

594 § 20-88.77. Recognition of order modified in another state.

595 ~~*If a child support order issued by a tribunal of this Commonwealth shall recognize a modification*~~

596 ~~*of its earlier child support order is modified by a tribunal of another state which assumed jurisdiction*~~

597 ~~*pursuant to this chapter or a law substantially similar to this chapter and, upon request, except as*~~

598 ~~*otherwise provided in this chapter, shall, a tribunal of the Commonwealth:*~~

599 1. ~~*Enforce*~~ *May enforce* ~~*the*~~ *its* order that was modified only as to ~~*amounts*~~ *arrears and interest*

600 *accruing before the modification;*

601 2. ~~*Enforce only nonmodifiable aspects of that order;*~~

602 3. ~~*Provide*~~ *other* 2. *May provide* appropriate relief ~~*only*~~ for violations of ~~*that*~~ *its* order which occurred

603 before the effective date of the modification; and

604 4. ~~*Recognize*~~ 3. *Shall recognize* the modifying order of the other state, upon registration, for the

605 purpose of enforcement.

606 § 20-88.77:3. *Jurisdiction to modify foreign support order.*

607 A. *If a foreign jurisdiction that is recognized as a state pursuant to § 20-88.32 will not or may not*

608 *exercise jurisdiction to modify its order pursuant to its laws, a tribunal of the Commonwealth may*

609 *assume jurisdiction to modify the support order and bind all individuals subject to the personal*

610 *jurisdiction of the tribunal whether or not the consent to modification of a support order otherwise*

611 *required of the individual pursuant to § 20-88.76 has been given or whether the individual seeking*

612 *modification is a resident of this Commonwealth or of the foreign jurisdiction.*

613 *B. An order issued pursuant to this section is the controlling order.*

614 § 20-88.78. Proceeding to determine parentage.

615 A. A tribunal of this Commonwealth may serve as an initiating or responding tribunal in a  
616 proceeding brought under this chapter or a law or procedure substantially similar to this chapter or to  
617 the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of  
618 Support Act to determine that the petitioner is a parent of a particular child or to determine that a  
619 respondent is a parent of that child.

620 B. In a proceeding to determine parentage, a responding tribunal of this Commonwealth shall apply  
621 the procedural and substantive law of this Commonwealth, and the rules of this Commonwealth on  
622 choice of law.

623 § 20-88.80. Conditions of rendition.

624 A. Before making a demand that the governor of another state surrender an individual charged  
625 criminally in this Commonwealth with having failed to provide for the support of an obligee, the  
626 Governor of this Commonwealth may require a prosecutor of this Commonwealth to demonstrate that at  
627 least sixty days previously the obligee had initiated proceedings for support pursuant to this chapter or  
628 that the proceeding would be of no avail.

629 B. If, under this chapter or a law substantially similar to this chapter, the Uniform Reciprocal  
630 Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act, the  
631 governor of another state makes a demand that the Governor of this Commonwealth surrender an  
632 individual charged criminally in that state with having failed to provide for the support of a child or  
633 other individual to whom a duty of support is owed, the Governor may require a prosecutor to  
634 investigate the demand and report whether a proceeding for support has been initiated or would be  
635 effective. If it appears that a proceeding would be effective but has not been initiated, the Governor may  
636 delay honoring the demand for a reasonable time to permit the initiation of a proceeding.

637 C. If a proceeding for support has been initiated and the individual whose rendition is demanded  
638 prevails, the Governor may decline to honor the demand. If the petitioner prevails and the individual  
639 whose rendition is demanded is subject to a support order, the Governor may decline to honor the  
640 demand if the individual is complying with the support order.