

## VIRGINIA ACTS OF ASSEMBLY — CHAPTER

*An Act to amend and reenact §§ 20-88.32 through 20-88.36, 20-88.39, 20-88.40, 20-88.41, 20-88.42, 20-88.43, 20-88.44, 20-88.46, 20-88.47, 20-88.48, 20-88.50, 20-88.51, 20-88.53, 20-88.54, 20-88.56, 20-88.57, 20-88.59, 20-88.60, 20-88.62 through 20-88.64:2, 20-88.64:5, 20-88.65, 20-88.67, 20-88.69, 20-88.70, 20-88.72, 20-88.75, 20-88.76, 20-88.77, 20-88.78, 20-88.80, and 20-88.81 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.*

[S 1040]

Approved

**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, 20-88.42, 20-88.43, 20-88.44, 20-88.46, 20-88.47, 20-88.48, 20-88.50, 20-88.51, 20-88.53, 20-88.54, 20-88.56, 20-88.57, 20-88.59, 20-88.60, 20-88.62 through 20-88.64:2, 20-88.64:5, 20-88.65, 20-88.67, 20-88.69, 20-88.70, 20-88.72, 20-88.75, 20-88.76, 20-88.77, 20-88.78, 20-88.80, and 20-88.81 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 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 § 63.2-1900.

"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~~ *the* 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 § 63.2-1900.

"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 support order.

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

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

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

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

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

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

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

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

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

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

92 § 20-88.33. Tribunals of the 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 the~~ 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 support order of a foreign country or political*  
 98 *subdivision on the basis of comity. This chapter does not provide the exclusive method of establishing or*  
 99 *enforcing a support order under the law of the Commonwealth or grant a tribunal of the*  
 100 *Commonwealth jurisdiction to render judgment or issue an order relating to child custody or visitation*  
 101 *in a proceeding under this chapter.*

102 § 20-88.35. Bases for jurisdiction over nonresident.

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

106 1. The individual is personally served with process within ~~this the~~ Commonwealth;

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

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

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

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

114 6. The exercise of personal jurisdiction is authorized under subdivision A 8 of § 8.01-328.1; or

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

117 *The bases of personal jurisdiction set forth in this section or any other law of the Commonwealth*  
 118 *may not be used to acquire personal jurisdiction for a tribunal of the Commonwealth to modify a child*

support order issued by a tribunal of another state unless the requirements of § 20-88.76 or 20-88.77:3 are met.

§ 20-88.36. Duration of personal jurisdiction.

A Personal jurisdiction acquired by a tribunal of this the Commonwealth exercising personal jurisdiction over a nonresident under § 20-88.35 may apply § 20-88.59 to receive evidence from another state, and § 20-88.61 to obtain discovery through a tribunal of another state. In all other respects, Articles 5 (§ 20-88.44 et seq.) through 10 (§ 20-88.78 et seq.) do not apply, and the tribunal shall apply the procedural and substantive laws of this Commonwealth, including the rules on choice of law other than those established by in a proceeding under this chapter or other law of the Commonwealth relating to a support order continues as long as a tribunal of the Commonwealth has continuing, exclusive jurisdiction to modify its order or continuing jurisdiction to enforce its order as provided by §§ 20-88.39, 20-88.40 and 20-88.43:2.

§ 20-88.39. Continuing, exclusive jurisdiction to modify child support order.

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

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

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

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

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

2. Its order is not the controlling order.

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

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

2. Enforce nonmodifiable aspects of that order; and

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

D. A tribunal of this Commonwealth shall recognize the continuing, exclusive jurisdiction of a tribunal of another state which has issued a child support order pursuant to this chapter or a law substantially similar to this chapter that modifies a child support order of a tribunal of the Commonwealth, tribunals of the Commonwealth shall recognize the continuing, exclusive jurisdiction of the tribunal of the other state.

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

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

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

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

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

A. A tribunal of this the Commonwealth that has issued a child support order consistent with the law of the Commonwealth may serve as an initiating tribunal to request a tribunal of another state to

enforce or modify a support order issued in that state:

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

2. *A money judgment for arrears of support and interest on the order accrued before a determination that an order of another state is the controlling order.*

B. A tribunal of ~~this the~~ Commonwealth having continuing, exclusive jurisdiction over a support order may act as a responding tribunal to enforce or modify the order. If a party subject to the continuing, exclusive jurisdiction of the tribunal no longer resides in the issuing state, in subsequent proceedings the tribunal may apply § 20-88.59 to receive evidence from another state and § 20-88.61 to obtain discovery through a tribunal of another state.

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

#### Article 4.

#### Reconciliation of Two or More Orders.

##### § 20-88.41. Determination of controlling child support order.

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

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

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

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

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

C. If two or more child support orders have been issued for the same obligor and ~~same~~ child and if the obligor or the individual obligee resides in this Commonwealth, upon request of a party ~~may request~~ who is an individual or a support enforcement agency, a tribunal of ~~this the~~ Commonwealth *to having personal jurisdiction over both the obligor and the obligee who is an individual* shall determine which order controls and ~~must be so~~ recognized under subsection B. The request ~~must be accompanied by a~~ certified copy of every support order in effect. The requesting party shall give notice of the request to each party whose rights may be affected by a determination ~~may be filed with a registration for enforcement or registration for modification pursuant to Articles 8 (§ 20-88.66 et seq.) and 9 (§ 20-88.74 et seq.) or may be filed as a separate proceeding.~~

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

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

~~E F.~~ A tribunal of ~~this the~~ Commonwealth ~~which that~~ determines by order the identity of which is the controlling child support order under subdivision B 1 or B 2 of subsection B or under subsection C or ~~which that~~ issues a new controlling child support order under subdivision B 3 of subsection B shall include state in that order:

1. The basis upon which the tribunal made its determination;

2. The amount of prospective support, if any; and

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

~~F G.~~ Within ~~thirty~~ 30 days after issuance of ~~the an~~ order determining the identity of which is the controlling order, the party obtaining that order shall file a certified copy of it ~~with in~~ each tribunal that had issued or registered an earlier order of child support. A party ~~who obtains or support enforcement agency obtaining the order and that~~ fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure arises. The failure to file does not affect the validity or enforceability of the controlling order.

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

under this chapter.

§ 20-88.42. Child support orders for two or more obligees.

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

§ 20-88.43. Credit for payments.

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

§ 20-88.43:1. Application to nonresident subject to personal jurisdiction.

A tribunal of the Commonwealth exercising personal jurisdiction over a nonresident in a proceeding under this chapter, under other law of the Commonwealth relating to a support order, or recognizing a support order of a foreign country or political subdivision on the basis of comity may receive evidence from another state pursuant to § 20-88.59, communicate with a tribunal of another state pursuant to § 20-88.60 and obtain discovery through a tribunal of another state pursuant to § 20-88.61. In all other respects, Articles 5 (§ 20-88.44 et seq.) through 10 (§ 20-88.78) of this chapter do not apply and the tribunal shall apply the procedural and substantive law of the Commonwealth.

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

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

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

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

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

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

§ 20-88.44. Proceedings under this chapter.

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

B. This chapter provides for the following proceedings:

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

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

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

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

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

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

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

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

§ 20-88.46. Application of law of the Commonwealth.

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

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

§ 20-88.47. Duties of initiating tribunal.

A. Upon the filing of a petition authorized by this chapter, an initiating tribunal of ~~this~~ the

Commonwealth shall forward ~~three copies of~~ the petition and its accompanying documents (i) to the responding tribunal or appropriate support enforcement agency in the responding state or, (ii) if the identity of the responding tribunal is unknown, to the state information agency of the responding state with a request that they be forwarded to the appropriate tribunal and that receipt be acknowledged.

B. If a ~~responding state has not enacted this act or a law or procedure substantially similar to this act requested by the responding tribunal~~, a tribunal of ~~this the Commonwealth may shall~~ issue a certificate or other documents and make findings required by the law of the responding state. If the responding state is a foreign ~~jurisdiction country or political subdivision~~, upon request the tribunal ~~may shall~~ specify the amount of support sought, ~~convert that amount into the equivalent amount in the foreign currency under applicable official or market exchange rate as publicly reported~~, and provide any other documents necessary to satisfy the requirements of the responding state.

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

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

B. A responding tribunal of ~~this the Commonwealth~~, to the extent ~~otherwise authorized not prohibited by other law~~, may do one or more of the following:

1. Issue or enforce a support order, modify a child support order, *determine the controlling child support order*, or ~~render a judgment to~~ determine parentage;

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

3. Order income withholding;

4. Determine the amount of any arrearages, and specify a method of payment;

5. Enforce orders by civil or criminal contempt, or both;

6. Set aside property for satisfaction of the support order;

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

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

9. Issue a capias for an obligor who has failed after proper notice to appear at a hearing ordered by the tribunal and enter the capias in any local and state computer systems for criminal warrants;

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

11. Award reasonable attorney's fees and other fees and costs; and

12. Grant any other available remedy.

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

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

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

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

§ 20-88.50. Duties of support enforcement agency.

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

1. Take all steps necessary to enable an appropriate tribunal in ~~this the Commonwealth~~ or another state to obtain jurisdiction over the respondent;

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

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

4. Within two days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written notice *in a record* from an initiating, responding, or registering tribunal, send a copy of the notice to the petitioner;

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

communication to the petitioner; and

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

B. A support enforcement agency of the Commonwealth that requests registration of a child support order in the Commonwealth for enforcement or for modification shall make reasonable efforts to ensure that:

1. The order to be registered is the controlling order; or

2. If two or more child support orders exist and the identity of the controlling order has not been determined, a request for such a determination is made in a tribunal having jurisdiction to do so.

C. A support enforcement agency of the Commonwealth that requests registration and enforcement of a support order, arrears, or judgment stated in a foreign currency shall convert the amounts stated in the foreign currency into the equivalent amounts in U.S. dollars under the applicable official or market exchange rate as publicly reported.

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

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

§ 20-88.51. Duty of Secretary of Health and Human Resources.

If the ~~attorney for the Commonwealth~~ Secretary of Health and Human Resources determines that the support enforcement agency is neglecting or refusing to provide services to an individual, he may order the agency to perform its duties under this chapter or may provide those services directly to the individual.

The Secretary of Health and Human Resources may determine that a foreign country or political subdivision has established a reciprocal arrangement for child support with the Commonwealth and take appropriate action for notification of the determination.

§ 20-88.53. Duties of state information agency.

A. The Department of Social Services is the state information agency under this chapter.

B. The state information agency shall:

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

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

3. Forward to the appropriate tribunal in the ~~place~~ county or city in ~~this the~~ Commonwealth in which the ~~individual~~ obligee who is an individual or the obligor resides, or in which the obligor's property is believed to be located, all documents concerning a proceeding under this chapter received from an initiating tribunal or the state information agency of the initiating state; and

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

§ 20-88.54. Pleadings and accompanying documents.

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

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

§ 20-88.56. Costs and fees.

A. The petitioner may not be required to pay a filing fee or other costs.

B. If an obligee prevails, a responding tribunal may assess against an obligor filing fees, reasonable

attorney's fees, other costs, and necessary travel and other reasonable expenses incurred by the obligee and the obligee's witnesses. The tribunal may not assess fees, costs, or expenses against the obligee or the support enforcement agency of either the initiating or the responding state, except as provided by other law. Attorney's fees may be taxed as costs, and may be ordered paid directly to the attorney, who may enforce the order in the attorney's own name. Payment of support owed to the obligee has priority over fees, costs and expenses.

C. The tribunal shall order the payment of costs and reasonable attorney's fees if it determines that a hearing was requested primarily for delay. In a proceeding under ~~Article 6 (§ 20-88.63 et seq.)~~ *Articles 8 (§ 20-88.66 et seq.) and 9 (§ 20-88.74 et seq.) of this chapter*, a hearing is presumed to have been requested primarily for delay if a registered support order is confirmed or enforced without change.

§ 20-88.57. Limited immunity of petitioner.

A. Participation by a petitioner in a proceeding *under this chapter* before a responding tribunal, whether in person, by private attorney, or through services provided by the support enforcement agency, does not confer personal jurisdiction over the petitioner in another proceeding.

B. A petitioner is not amenable to service of civil process while physically present in ~~this the~~ Commonwealth to participate in a proceeding under this chapter.

C. The immunity granted by this section does not extend to civil litigation based on acts unrelated to a proceeding under this chapter committed by a party while present in ~~this the~~ Commonwealth to participate in the proceeding.

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

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

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

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

D. Copies of bills for testing for parentage, and for prenatal and postnatal health care of the mother and child, furnished to the adverse party at least ~~ten~~ 10 days before trial, are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary, and customary.

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

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

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

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

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

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

§ 20-88.60. Communications between tribunals.

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

§ 20-88.62. Receipt and disbursement of payments.

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



*B. If neither the obligor, nor the obligee who is an individual, nor the child resides in the Commonwealth, upon request from the support enforcement agency of the Commonwealth or another state, the support enforcement agency of the Commonwealth or a tribunal of the Commonwealth shall:*

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

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

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

§ 20-88.63. Petition to establish support order.

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

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

*1. A presumed father of the child;*

*2. Petitioning to have his paternity adjudicated;*

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

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

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

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

*7. The mother of the child; or*

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

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

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

An income-withholding order issued by a tribunal in another state may be sent by or on behalf of the obligee, or by the support enforcement agency, to the person or entity defined as the obligor's employer as defined in § 63.2-1900 under the income-withholding law of ~~this the~~ Commonwealth without first filing a petition or comparable pleading or registering the order with a tribunal of ~~this the~~ Commonwealth.

§ 20-88.64:1. Employer's compliance with income-withholding order of another state.

A. Upon receipt of ~~the an~~ income-withholding order, the obligor's employer shall immediately provide a copy of the order to the obligor. The employer shall treat an income-withholding order issued in another state which appears regular on its face as if it had been issued by a tribunal of ~~this the~~ Commonwealth.

B. Except as provided in subsection C and § 20-88.64:2, the employer shall withhold and distribute the funds as directed in the withholding order by complying with the terms of the order, as applicable, that specify:

*1. The duration and amount of periodic payments of current child support, stated as a sum certain;*

*2. The ~~person~~ individual or support enforcement agency designated to receive payments and the address to which the payments are to be forwarded;*

*3. Medical support, whether in the form of periodic cash payments, stated as a sum certain or ordering the obligor to provide health insurance coverage for the child under a policy available through the obligor's employer;*

*4. The amount of periodic payments of fees and costs for a support enforcement agency, the issuing tribunal, and the obligee's attorney, stated as sums certain; and*

*5. The amount of periodic payments of arrearages and interest on arrearages, stated as sums certain.*

C. An employer shall comply with the law of the state of the obligor's principal place of employment for withholding from income with respect to:

*1. The employer's fee for processing an income-withholding order;*

*2. The maximum amount permitted to be withheld from the obligor's income; and*

*3. The times within which the employer ~~must~~ shall implement the withholding order and forward the child support payment.*

§ 20-88.64:2. Compliance with two or more income-withholding orders.

If an obligor's employer receives ~~multiple~~ *two or more* income-withholding orders with respect to the earnings of the same obligor, the employer satisfies the terms of the ~~multiple~~ orders if the employer complies with the law of the state of the obligor's principal place of employment to establish priorities for withholding and allocating income withheld for ~~multiple~~ *two or more* child support obligees.

§ 20-88.64:5. Contest by obligor.

A. An obligor may contest the validity or enforcement of an income-withholding order issued in another state and received directly by an employer in ~~this the~~ *the Commonwealth by registering the order in a tribunal of the Commonwealth and filing a contest to that order as provided in this chapter or otherwise contesting the order* in the same manner as if the order had been issued by a tribunal of ~~this the~~ *the* Commonwealth. ~~Section 20-88.69 applies to the contest.~~

B. The obligor shall give notice of the contest to (i) a support enforcement agency providing services to the obligee, (ii) each employer ~~which that~~ *that* has directly received an income-withholding order *relating to the obligor*, and (iii) the ~~person or support enforcement agency~~ *person or support enforcement agency* designated to receive payments in the income-withholding order ~~or if no person or agency is designated, the obligee.~~

§ 20-88.65. Administrative enforcement of orders.

A. A ~~party or support enforcement agency~~ *support enforcement agency* seeking to enforce a support order or an income-withholding order, or both, issued by a tribunal of another state may send the documents required for registering the order to a support enforcement agency of this Commonwealth.

B. Upon receipt of the documents, the support enforcement agency, without initially seeking to register the order, shall consider and, if appropriate, use any administrative procedure authorized by the law of this Commonwealth to enforce a support order or an income-withholding order, or both. If the obligor does not contest administrative enforcement, the order need not be registered. If the obligor contests the validity or administrative enforcement of the order, the support enforcement agency shall register the order pursuant to this chapter.

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

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

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

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

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

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

5. *Except as otherwise provided in § 20-88.55, the name and address of the obligee and, if applicable, the ~~agency or person~~ support enforcement agency to whom support payments are to be remitted.*

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

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

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

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

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

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

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

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

A. *Except as otherwise provided in subsection D, the law of the issuing state governs (i) the nature, extent, amount, and duration of current payments and other obligations of under a registered support*

and order; (ii) the computation and payment of arrearages and accrual of interest on the arrearages under the support order; and (iii) the existence and satisfaction of other obligations under the support order.

B. In a proceeding for ~~arrearages~~ *arrears under a registered support order*, the statute of limitations under the laws of ~~this the~~ Commonwealth or of the issuing state, whichever is longer, applies.

C. A responding tribunal of the Commonwealth shall apply the procedures and remedies of the Commonwealth to enforce current support and collect arrears and interest due on a support order of another state registered in the Commonwealth.

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

§ 20-88.70. Notice of registration of order; contest of validity or enforcement.

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

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

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

2. That a hearing to contest the validity or enforcement of the registered order ~~must~~ shall be requested within ~~twenty~~ 20 days after the notice;

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

4. Of the amount of any alleged arrearages.

C. If the registering party asserts that two or more orders are in effect, a notice shall also:

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

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

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

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

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

§ 20-88.72. Contest of registration or enforcement.

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

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

2. The order was obtained by fraud;

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

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

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

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

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

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

B. If a party presents evidence establishing a full or partial defense under subsection A, a tribunal may stay enforcement of the registered order, continue the proceeding to permit production of additional relevant evidence, and issue other appropriate orders. An uncontested portion of the registered order may be enforced by all remedies available under the law of ~~this the~~ Commonwealth.

C. If the contesting party does not establish a defense under subsection A to the validity or enforcement of the order, the registering tribunal shall issue an order confirming the order.

§ 20-88.75. Effect of registration for modification.

A tribunal of ~~this the~~ Commonwealth may enforce a child support order of another state, registered for purposes of modification, in the same manner as if the order had been issued by a tribunal of ~~this the~~ Commonwealth, but the registered order may be modified only if the requirements of § 20-88.76, 20-88.77:1 or 20-88.77:3 have been met.

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

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

a tribunal of the Commonwealth may modify a child support order, issued in another state, ~~has been~~ that is registered in ~~this the~~ Commonwealth; ~~the responding tribunal of this Commonwealth may modify that order only if § 20-88.77:1 does not apply and if, after notice and hearing it, the tribunal finds that:~~

1. The following requirements are met:

a. ~~Neither the child, nor the individual obligee who is an individual, and nor the obligor do not~~ reside ~~resides~~ in the issuing state;

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

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

2. The ~~Commonwealth is the state of residence of the~~ child or a party who is an individual is subject to the personal jurisdiction of the tribunal of ~~this the~~ Commonwealth and all of the individual parties ~~who are individuals~~ have filed ~~written~~ consents ~~in a record~~ in the issuing tribunal for a tribunal of ~~this the~~ Commonwealth to modify the support order and assume continuing, exclusive jurisdiction ~~over the~~ order. However, if the issuing state is a foreign jurisdiction that has not enacted a law or established procedures substantially similar to the procedures under this chapter, the consent otherwise required of an individual residing in this Commonwealth is not required for the tribunal to assume jurisdiction to modify the child support order.

B. Modification of a registered child support order is subject to the same requirements, procedures, and defenses that apply to the modification of an order issued by a tribunal of ~~this the~~ Commonwealth and the order may be enforced and satisfied in the same manner.

C. *Except as otherwise provided in § 20-88.77:3*, a tribunal of ~~this the~~ Commonwealth may not modify any aspect of a child support order that may not be modified under the law of the issuing state, *including the duration of the obligation of support*. If two or more tribunals have issued child support orders for the same obligor and *same* child, the order that controls and ~~must~~ *shall* be so recognized under § 20-88.41 establishes the aspects of the support order which are nonmodifiable.

D. *In a proceeding to modify a child support order, the law of the state that is determined to have issued the initial controlling order governs the duration of the obligation of support. The obligor's fulfillment of the duty of support established by that order precludes imposition of a further obligation of support by a tribunal of the Commonwealth.*

E. On issuance of an order by a tribunal of the Commonwealth modifying a child support order issued in another state, ~~a the~~ tribunal of ~~this the~~ Commonwealth becomes the tribunal having continuing, exclusive jurisdiction.

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

*If a child support order issued by a tribunal of this the Commonwealth shall recognize a modification of its earlier child support order is modified by a tribunal of another state which that assumed jurisdiction pursuant to this chapter or a law substantially similar to this chapter and, upon request, except as otherwise provided in this chapter, shall the Uniform Interstate Family Support Act, a tribunal of the Commonwealth:*

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

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

3. ~~Provide other~~ *May provide* appropriate relief ~~only~~ for violations of ~~that its order which that~~ occurred before the effective date of the modification; and

4. ~~3. Shall~~ recognize the modifying order of the other state, upon registration, for the purpose of enforcement.

§ 20-88.77:3. *Jurisdiction to modify child support order of foreign country or political subdivision.*

A. *If a foreign country or political subdivision that is a state will not or may not modify its order pursuant to its laws, a tribunal of the Commonwealth may assume jurisdiction, for good cause shown as ordered, to modify the child support order and bind all individuals subject to the personal jurisdiction of the tribunal whether or not the consent to modification of a child support order otherwise required of the individual pursuant to § 20-88.76 has been given or whether the individual seeking modification is a resident of the Commonwealth or of the foreign country or political subdivision.*

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

§ 20-88.78. Proceeding to determine parentage.

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

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

choice of law.

§ 20-88.80. Conditions of rendition.

A. Before making a demand that the governor of another state surrender an individual charged criminally in ~~this~~ *the* Commonwealth with having failed to provide for the support of an obligee, the Governor of ~~this~~ *the* Commonwealth may require a prosecutor of ~~this~~ *the* Commonwealth to demonstrate that at least ~~sixty~~ 60 days previously the obligee had initiated proceedings for support pursuant to this chapter or that the proceeding would be of no avail.

B. If, 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,~~ the governor of another state makes a demand that the Governor of ~~this~~ *the* Commonwealth surrender an individual charged criminally in that state with having failed to provide for the support of a child or other individual to whom a duty of support is owed, the Governor may require a prosecutor to investigate the demand and report whether a proceeding for support has been initiated or would be effective. If it appears that a proceeding would be effective but has not been initiated, the Governor may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.

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

§ 20-88.81. Uniformity of application and construction.

~~This chapter shall be applied and construed to effectuate its general purpose to make uniform In applying and construing this Uniform Interstate Family Support Act, consideration shall be given to the need to promote uniformity of the law with respect to the its subject of this chapter matter among states enacting that enact it.~~