

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 363

Short Title: Amend UIFSA.

(Public)

Sponsors: Representatives Gardner; Buchanan, Morris, Sexton, Starnes, and Watson.

Referred to: Welfare Reform.

March 3, 1997

A BILL TO BE ENTITLED

1 AN ACT TO AMEND THE UNIFORM INTERSTATE FAMILY SUPPORT ACT AS
2 APPROVED BY THE NATIONAL CONFERENCE OF COMMISSIONERS OF
3 UNIFORM STATE LAWS AND AS REQUIRED BY THE PERSONAL
4 RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF
5 1996.
6

7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 52C-1-101 reads as rewritten:

9 **"§ 52C-1-101. Definitions.**

10 As used in this Article, unless the context clearly requires otherwise, the term:

- 11 (1) 'Child' means an individual, whether over or under the age of majority,
12 who is or is alleged to be owed a duty of support by the individual's
13 parent or who is or is alleged to be the beneficiary of a support order
14 directed to the parent.
15 (2) 'Child support order' means a support order for a child, including a child
16 who has attained the age of majority under the law of the issuing state.
17 (3) 'Duty of support' means an obligation imposed or imposable by law to
18 provide support for a child, spouse, or former spouse, including an
19 unsatisfied obligation to provide support.

- 1 (4) 'Home state' means the state in which a child lived with a parent or a
2 person acting as parent for at least six consecutive months immediately
3 preceding the time of filing of a petition or comparable pleading for
4 support and, if a child is less than six-months old, the state in which the
5 child lived from birth with any of them. A period of temporary absence
6 of any of them is counted as part of the six-month or other period.
- 7 (5) 'Income' includes earnings or other periodic entitlements to money from
8 any source and any other property subject to withholding for support
9 under the law of this State.
- 10 (6) 'Income-withholding order' means an order or other legal process
11 directed to a payer of income to withhold support from the income of
12 the obligor.
- 13 (7) 'Initiating state' means a state ~~in~~ from which a proceeding is forwarded
14 or in which a proceeding is filed for forwarding to a responding state
15 under this Act or a law or procedure substantially similar to this Act, the
16 Uniform Reciprocal Enforcement of Support Act, or the Revised
17 Uniform Reciprocal Enforcement of Support Act is filed for forwarding to
18 a responding state. ~~Act.~~
- 19 (8) 'Initiating tribunal' means the authorized tribunal in an initiating state.
- 20 (9) 'Issuing state' means the state in which a tribunal issues a support order
21 or renders a judgment determining parentage.
- 22 (10) 'Issuing tribunal' means the tribunal that issues a support order or
23 renders a judgment determining parentage.
- 24 (11) 'Law' includes decisional and statutory law and rules and regulations
25 having the force of law.
- 26 (12) 'Obligee' means:
27 a. An individual to whom a duty of support is or is alleged to be
28 owed or in whose favor a support order has been issued or a
29 judgment determining parentage has been rendered;
30 b. A state or political subdivision to which the rights under a duty
31 of support or support order have been assigned or which has
32 independent claims based on financial assistance provided to an
33 individual obligee; or
34 c. An individual seeking a judgment determining parentage of the
35 individual's child.
- 36 (13) 'Obligor' means an individual, or the estate of a decedent:
37 a. Who owes or is alleged to owe a duty of support;
38 b. Who is alleged but has not been adjudicated to be a parent of a
39 child; or
40 c. Who is liable under a support order.
- 41 (14) 'Register' means to file a support order or judgment determining
42 paternity in the appropriate location for the recording or filing of foreign
43 judgments generally or foreign support orders specifically.

- 1 (15) 'Registering tribunal' means a tribunal in which a support order is
2 registered.
- 3 (16) 'Responding state' means a state ~~to~~in which a proceeding is filed or to
4 which a proceeding is forwarded for filing from an initiating state under
5 this Act or a law or procedure substantially similar to this Act, the
6 Uniform Reciprocal Enforcement of Support Act, or the Revised
7 Uniform Reciprocal Enforcement of Support Act.
- 8 (17) 'Responding tribunal' means the authorized tribunal in a responding
9 state.
- 10 (18) 'Spousal-support order' means a support order for a spouse or former
11 spouse of the obligor.
- 12 (19) 'State' means a state of the United States, the District of Columbia, ~~the~~
13 ~~Commonwealth of~~ Puerto Rico, the United States Virgin Islands, or any
14 territory or insular possession subject to the jurisdiction of the United
15 States. The term 'state' includes:
- 16 a. An Indian tribe; and ~~includes~~
- 17 b. A foreign jurisdiction that has enacted a law or established
18 procedures for issuance and enforcement of support orders which
19 are substantially similar to the procedures under this Chapter. Act,
20 the Uniform Reciprocal Enforcement of Support Act, or the
21 Revised Uniform Reciprocal Enforcement of Support Act.
- 22 (20) 'Support enforcement agency' means a public official or agency
23 authorized to seek:
- 24 a. Enforcement of support orders or duties of ~~support support;~~
- 25 b. ~~to seek establishment~~ Establishment or modification of child
26 ~~support, support;~~
- 27 c. ~~to seek determination~~ Determination of ~~paternity, parentage;~~ or
- 28 d. ~~to~~ To locate obligors or their assets.
- 29 (21) 'Support order' means a judgment, decree, or order, whether temporary,
30 final, or subject to modification, for the benefit of a child, a spouse, or a
31 former spouse, which provides for monetary support, health care,
32 arrears, or reimbursement, and may include related costs and fees,
33 interest, income withholding, attorneys' fees, and other relief.
- 34 (22) 'Tribunal' means a court, administrative agency, or quasi-judicial entity
35 authorized to establish, enforce, or modify support orders or to
36 determine paternity, except that, for matters heard in this State, tribunal
37 means the General Court of Justice, District Court Division."

38 Section 2. G.S. 52C-2-203 reads as rewritten:

39 "**§ 52C-2-203. Initiating and responding tribunal of ~~this State.~~ state.**

40 Under this Chapter, a tribunal of this State may serve as an initiating tribunal to
41 forward proceedings to another state and as a responding tribunal for proceedings
42 initiated in another state."

43 Section 3. G.S. 52C-2-205 reads as rewritten:

1 **"§ 52C-2-205. Continuing, exclusive jurisdiction.**

2 (a) A tribunal of this State issuing a support order consistent with the law of this
3 State has continuing, exclusive jurisdiction over a child support order:

4 (1) As long as this State remains the residence of the obligor, the individual
5 obligee, or the child for whose benefit the support order is issued; or

6 (2) ~~Until each individual party has all of the parties who are individuals have~~
7 ~~filed written consent~~ consents with the tribunal of this State for a tribunal
8 of another state to modify the order and assume continuing, exclusive
9 jurisdiction.

10 (b) A tribunal of this State issuing a child support order consistent with the law of
11 this State may not exercise its continuing jurisdiction to modify the order if the order has
12 been modified by a tribunal of another state pursuant to a law substantially similar to this
13 Chapter.

14 (c) If a child support order of this State is modified by a tribunal of another state
15 pursuant to a law substantially similar to this Chapter, a tribunal of this State loses its
16 continuing, exclusive jurisdiction with regard to prospective enforcement of the order
17 issued in this State, and may only:

18 (1) Enforce the order that was modified as to amounts accruing before the
19 modification;

20 (2) Enforce nonmodifiable aspects of that order; and

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

23 (d) A tribunal of this State shall recognize the continuing, exclusive jurisdiction of
24 a tribunal of another state which has issued a child support order pursuant to a law
25 substantially similar to this Chapter.

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

29 (f) A tribunal of this State issuing a support order consistent with the law of this
30 State has continuing, exclusive jurisdiction over a spousal support order throughout the
31 existence of the support obligation. A tribunal of this State may not modify a spousal
32 support order issued by a tribunal of another state having continuing, exclusive
33 jurisdiction over that order under the law of that state."

34 Section 4. (a) The title of Part 3 of Article 2 of Chapter 52C of the General
35 Statutes reads as rewritten:

36 "~~Part 3. Reconciliation With Orders of Other States.~~ of Multiple Orders.

37 (b) G.S. 52C-2-207 reads as rewritten:

38 **"§ 52C-2-207. Recognition of controlling child support orders. order.**

39 (a) ~~If a proceeding is brought under this Chapter, and one or more child support~~
40 ~~orders have been issued in this or another state with regard to an obligor and a child, a~~
41 ~~tribunal of this State shall apply the following rules in determining which order to~~
42 ~~recognize for purposes of continuing, exclusive jurisdiction:~~

- 1 (1) ~~If only one tribunal has issued a child support order, the order of that~~
2 ~~tribunal must be recognized.~~
- 3 (2) ~~If two or more tribunals have issued child support orders for the same~~
4 ~~obligor and child, and only one of the tribunals would have continuing,~~
5 ~~exclusive jurisdiction under this Chapter, the order of that tribunal must~~
6 ~~be recognized.~~
- 7 (3) ~~If two or more tribunals have issued child support orders for the same~~
8 ~~obligor and child, and more than one of the tribunals would have~~
9 ~~continuing, exclusive jurisdiction under this Chapter, an order issued by~~
10 ~~a tribunal in the current home state of the child must be recognized, but~~
11 ~~if an order has not been issued in the current home state of the child, the~~
12 ~~order most recently issued must be recognized.~~
- 13 (4) ~~If two or more tribunals have issued child support orders for the same~~
14 ~~obligor and child, and none of the tribunals would have continuing,~~
15 ~~exclusive jurisdiction under this Chapter, the tribunal of this State may~~
16 ~~issue a child support order, which must be recognized.~~
- 17 (b) ~~The tribunal that has issued an order recognized under subsection (a) of this~~
18 ~~section is the tribunal having continuing, exclusive jurisdiction.~~
- 19 (a) If a proceeding is brought under this Chapter and only one tribunal has issued a
20 child support order, the order of that tribunal controls and must be so recognized.
- 21 (b) If a proceeding is brought under this Chapter, and two or more child support
22 orders have been issued by tribunals of this State or another state with regard to the same
23 obligor and child, a tribunal of this State shall apply the following rules in determining
24 which order to recognize for purposes of continuing, exclusive jurisdiction:
- 25 (1) If only one of the tribunals would have continuing, exclusive
26 jurisdiction under this Chapter, the order of that tribunal controls and
27 must be so recognized.
- 28 (2) If more than one of the tribunals would have continuing, exclusive
29 jurisdiction under this Chapter, an order issued by a tribunal in the
30 current home state of the child controls and must be so recognized, but
31 if an order has not been issued in the current home state of the child, the
32 order most recently issued controls and must be so recognized.
- 33 (3) If none of the tribunals would have continuing, exclusive jurisdiction
34 under this Chapter, the tribunal of this State having jurisdiction over the
35 parties shall issue a child support order, which controls and must be so
36 recognized.
- 37 (c) If two or more child support orders have been issued for the same obligor and
38 child and if the obligor or the individual obligee resides in this State, a party may request
39 a tribunal of this State to determine which order controls and must be so recognized
40 under subsection (b) of this section. The request must be accompanied by a certified
41 copy of every support order in effect. The requesting party shall give notice of the
42 request to each party whose rights may be affected by a certified copy of every support

1 order in the effect. The requesting party shall give notice of the request to each party
2 whose rights may be affected by the determination.

3 (d) The tribunal that issued the controlling order under subsection (a), (b), or (c) of
4 this section is the tribunal that has continuing, exclusive jurisdiction under G.S. 52C-2-
5 205.

6 (e) A tribunal of this State which determines by order the identity of the
7 controlling order under subdivision (b)(1) or (2) of this section or which issues a new
8 controlling order under subdivision (b)(3) of this section shall state in that order the
9 basis upon which the tribunal made its determination.

10 (f) Within 30 days after issuance of an order determining the identity of the
11 controlling order, the party obtaining the order shall file a certified copy of it with each
12 tribunal that issued or registered an earlier order of child support. A party who obtains
13 the order and fails to file a certified copy is subject to appropriate sanctions by a tribunal
14 in which the issue of failure to file arises. The failure to file does not affect the validity
15 or enforceability of the controlling order."

16 Section 5. G.S. 52C-3-304 reads as rewritten:

17 "**§ 52C-3-304. Duties of initiating tribunal.**

18 (a) Upon the filing of a petition authorized by this Chapter, an initiating tribunal of
19 this State shall forward three copies of the petition and its accompanying documents:

20 (1) To the responding tribunal or appropriate support enforcement agency
21 in the responding state; or

22 (2) If the identity of the responding tribunal is unknown, to the state
23 information agency of the responding state with a request that they be
24 forwarded to the appropriate tribunal and that receipt be acknowledged.

25 (b) If a responding state has not enacted this Act or a law or procedure
26 substantially similar to this Act, a tribunal of this State may issue a certificate or other
27 document and make findings required by the law of the responding state. If the
28 responding State is a foreign jurisdiction, the tribunal may specify the amount of support
29 sought and provide other documents necessary to satisfy the requirements of the
30 responding state."

31 Section 6. G.S. 52C-3-305 reads as rewritten:

32 "**§ 52C-3-305. Duties and powers of responding tribunal.**

33 (a) When a responding tribunal of this State receives a petition or comparable
34 pleading from an initiating tribunal or directly pursuant to G.S. 52C-3-301(c) it shall
35 cause the petition or pleading to be filed and notify the petitioner ~~by first class mail~~ where
36 and when it was filed.

37 (b) A responding tribunal of this State, to the extent otherwise authorized by law,
38 may do one or more of the following:

39 (1) Issue or enforce a support order, modify a child support order, or render
40 a judgment to determine parentage;

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

43 (3) Order income withholding;

- 1 (4) Determine the amount of any arrears, and specify a method of payment;
- 2 (5) Enforce orders by civil or criminal contempt, or both;
- 3 (6) Set aside property for satisfaction of the support order;
- 4 (7) Place liens and order execution on the obligor's property;
- 5 (8) Order an obligor to keep the tribunal informed of the obligor's current
- 6 residential address, telephone number, employer, address of
- 7 employment, and telephone number at the place of employment;
- 8 (9) Issue an order for arrest for an obligor who has failed after proper notice
- 9 to appear at a hearing ordered by the tribunal and enter the order for
- 10 arrest in any local and State computer systems for criminal warrants;
- 11 (10) Order the obligor to seek appropriate employment by specified methods;
- 12 (11) Award reasonable attorneys' fees and other fees and costs; and
- 13 (12) Grant any other available remedy.

14 (c) A responding tribunal of this State shall include in a support order issued under
15 this Chapter, or in the documents accompanying the order, the calculations on which the
16 support order is based.

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

19 (e) If a responding tribunal of this State issues an order under this Chapter, the
20 tribunal shall send a copy of the order ~~by first-class mail~~ to the petitioner and the
21 respondent and to the initiating tribunal, if any."

22 Section 7. G.S. 52C-3-306 reads as rewritten:

23 **"§ 52C-3-306. Inappropriate tribunal.**

24 If a petition or comparable pleading is received by an inappropriate tribunal of this
25 State, it shall forward the pleading and accompanying documents to an appropriate
26 tribunal in this State or another state and notify the petitioner ~~by first-class mail~~ where and
27 when the pleading was sent."

28 Section 8. G.S. 52C-3-307 reads as rewritten:

29 **"§ 52C-3-307. Duties of support enforcement agency.**

30 (a) A support enforcement agency of this State, upon request, shall provide
31 services to a petitioner in a proceeding under this Chapter.

32 (b) A support enforcement agency that is providing services to the petitioner as
33 appropriate shall:

- 34 (1) Take all steps necessary to enable an appropriate tribunal in this State or
- 35 another state to obtain jurisdiction over the respondent;
- 36 (2) Request an appropriate tribunal to set a date, time, and place for a
- 37 hearing;
- 38 (3) Make a reasonable effort to obtain all relevant information, including
- 39 information as to income and property of the parties;
- 40 (4) Within two days, exclusive of Saturdays, Sundays, and legal holidays,
- 41 after receipt of a written notice from an initiating, responding, or
- 42 registering tribunal, send a copy of the notice ~~by first-class mail~~ to the
- 43 petitioner;

1 (5) Within two days, exclusive of Saturdays, Sundays, and legal holidays,
2 after receipt of a written communication from the respondent or the
3 respondent's attorney, send a copy of the communication by first class
4 mail to the petitioner; and

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

7 (c) This Chapter does not create or negate a relationship of attorney and client or
8 other fiduciary relationship between a support enforcement agency or the attorney for the
9 agency and the individual being assisted by the agency."

10 Section 9. Article 5 of Chapter 52C of the General Statutes reads as rewritten:

11 **"ARTICLE 5.**

12 **"Direct Enforcement of Order of Another State Without Registration.**

13 **"§ 52C-5-501. ~~Recognition~~ Employer's receipt of income-withholding order of**
14 **another state.**

15 (a) An income-withholding order issued in another state may be sent by first class
16 mail to the person or entity defined or identified as the obligor's employer under the
17 income-withholding provisions of Chapter 50 or Chapter 110 of the General Statutes, as
18 applicable, without first filing a petition or comparable pleading or registering the order
19 with a tribunal of this State. Upon receipt of the order, the employer shall:

20 (1) Treat an income-withholding order issued in another state which
21 appears regular on its face as if it had been issued by a tribunal of this
22 State;

23 (2) Immediately provide a copy of the order to the obligor; and

24 (3) Distribute the funds as directed in the withholding order.

25 (b) ~~An obligor may contest the validity or enforcement of an income withholding~~
26 ~~order issued in another state in the same manner as if the order had been issued by a~~
27 ~~tribunal of this State. G.S. 52C-6-604 applies to the contest. The obligor shall give notice~~
28 ~~of the contest to any support enforcement agency providing services to the obligee and to:~~

29 (1) ~~The person or agency designated to receive payments in the income-~~
30 ~~withholding order; or~~

31 (2) ~~If no person or agency is designated, the obligee.~~

32 **"§ 52C-5-502. Administrative enforcement of orders.**

33 (a) ~~A party seeking to enforce a support order or an income withholding order, or~~
34 ~~both, issued by a tribunal of another state may send the documents required for~~
35 ~~registering the order to a support enforcement agency of this State.~~

36 (b) ~~Upon receipt of the documents, the support enforcement agency, without~~
37 ~~initially seeking to register the order, shall consider and, if appropriate, use any~~
38 ~~administrative procedure authorized by the law of this State to enforce a support order or~~
39 ~~an income withholding order, or both. If the obligor does not contest administrative~~
40 ~~enforcement, the order need not be registered. If the obligor contests the validity or~~
41 ~~administrative enforcement of the order, the support enforcement agency shall register~~
42 ~~the order pursuant to this Chapter.~~

43 **Employer's compliance with income-withholding order of another state.**

1 (a) Upon receipt of an income-withholding order, the obligor's employer shall
2 immediately provide a copy of the order to the obligor.

3 (b) The employer shall treat an income-withholding order issued in another state
4 which appears regular on its face as if it had been issued by a tribunal of this State.

5 (c) Except as otherwise provided in subsection (d) of this section and G.S. 52C-5-
6 503, the employer shall withhold and distribute the funds as directed in the income-
7 withholding order by complying with terms of the order which specify:

8 (1) The duration and amount of periodic payments of current child support,
9 stated as a sum certain;

10 (2) The person or agency designated to receive payments and the address to
11 which the payments are to be forwarded;

12 (3) Medical support, whether in the form of periodic cash payment, stated
13 as a sum certain, or ordering the obligor to provide health insurance
14 coverage for the child under a policy available through the obligor's
15 employment;

16 (4) The amount of periodic payments of fees and costs for a support
17 enforcement agency, the issuing tribunal, and the obligee's attorney,
18 stated as sums certain; and

19 (5) The amount of periodic payments of arrearages and interest on
20 arrearages, stated as sums certain.

21 (d) An employer shall comply with the law of the state of the obligor's principal
22 place of employment for withholding from income with respect to:

23 (1) The employer's fee for processing an income-withholding order;

24 (2) The maximum amount permitted to be withheld from the obligor's
25 income; and

26 (3) The times within which the employer must implement the income-
27 withholding order and forward the child support payment.

28 **"§ 52C-5-503. Compliance with multiple income-withholding orders.**

29 If an obligor's employer receives multiple income-withholding orders with respect to
30 the earnings of the same obligor, the employer satisfies the terms of the multiple orders if
31 the employer complies with the law of the state of the obligor's principal place of
32 employment to establish the priorities for withholding and allocating income withheld for
33 multiple child support obligees.

34 **"§ 52C-5-504. Immunity from civil liability.**

35 An employer who complies with an income-withholding order issued in another state
36 in accordance with this Article is not subject to civil liability to an individual or agency
37 with regard to the employer's withholding of child support from the obligor's income.

38 **"§ 52C-5-505. Penalties for noncompliance.**

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

42 **"§ 52C-5-506. Contest by obligor.**

1 (a) An obligor may contest the validity or enforcement of an income-withholding
2 order issued in another state and received directly by an employer in this State in the
3 same manner as if the order had been issued by a tribunal of this State. G.S. 52C-6-604
4 applies to the contest.

5 (b) The obligor shall give notice of the contest to:

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

7 (2) Each employer that has directly received an income-withholding order;
8 and

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

11 **"§ 52C-5-507. Administrative enforcement of orders.**

12 (a) A party seeking to enforce a support order or an income-withholding order, or
13 both, issued by a tribunal of another state may send the documents required for
14 registering the order to a support enforcement agency of this State.

15 (b) Upon receipt of the documents, the support enforcement agency, without
16 initially seeking to register the order, shall consider and, if appropriate, use any
17 administrative procedure authorized by the law of this State to enforce a support order or
18 an income-withholding order, or both. If the obligor does not contest administrative
19 enforcement, the order need not be registered. If the obligor contests the validity or
20 administrative enforcement of the order, the support enforcement agency shall register
21 the order pursuant to this Chapter."

22 Section 10. G.S. 52C-6-601 reads as rewritten:

23 **"§ 52C-6-601. Registration ~~or [of]~~ of order for enforcement.**

24 A support order or an income-withholding order issued by a tribunal of another state
25 may be registered in this State for enforcement."

26 Section 11. G.S. 52C-6-605 reads as rewritten:

27 **"§ 52C-6-605. Notice of registration of order.**

28 (a) When a support order or income-withholding order issued in another state is
29 registered, the registering tribunal shall notify the nonregistering party. ~~Notice must be~~
30 ~~given by first class, certified, or registered mail or by any means of personal service authorized~~
31 ~~by the law of this State.~~ The notice must be accompanied by a copy of the registered order
32 and the documents and relevant information accompanying the order.

33 (b) The notice must inform the nonregistering party:

34 (1) That a registered order is enforceable as of the date of registration in the
35 same manner as an order issued by a tribunal of this State;

36 (2) That a hearing to contest the validity or enforcement of the registered
37 order must be requested within 20 days after ~~the date of mailing or~~
38 ~~personal service of the notice;~~

39 (3) That failure to contest the validity or enforcement of the registered order
40 in a timely manner will result in confirmation of the order and
41 enforcement of the order and the alleged arrears and precludes further
42 contest of that order with respect to any matter that could have been
43 asserted; and

1 (4) Of the amount of any alleged arrears.

2 (c) Upon registration of an income-withholding order for enforcement, the
3 registering tribunal shall notify the obligor's employer pursuant to the income-
4 withholding provisions of Chapter 50 or Chapter 110 of the General Statutes, as
5 applicable."

6 Section 12. G.S. 52C-6-606 reads as rewritten:

7 **"§ 52C-6-606. Procedure to contest validity or enforcement of registered order.**

8 (a) A nonregistering party seeking to contest the validity or enforcement of a
9 registered order in this State shall request a hearing within 20 days after ~~the date of mailing~~
10 ~~or personal service of notice~~ of the registration. The nonregistering party may seek to
11 vacate the registration, to assert any defense to an allegation of noncompliance with the
12 registered order, or to contest the remedies being sought or the amount of any alleged
13 arrears pursuant to G.S. 52C-6-607.

14 (b) If the nonregistering party fails to contest the validity or enforcement of the
15 registered order in a timely manner, the order is confirmed by operation of law.

16 (c) If a nonregistering party requests a hearing to contest the validity or
17 enforcement of the registered order, the registering tribunal shall schedule the matter for
18 hearing and give notice to the parties ~~by first-class mail~~ of the date, time, and place of the
19 hearing."

20 Section 13. G.S. 52C-6-611 reads as rewritten:

21 **"§ 52C-6-611. Modification of child support order of another state.**

22 (a) After a child support order issued in another state has been registered in this
23 State, the responding tribunal of this State may modify that order only ~~if, if G.S. 52C-6-~~
24 613 does not apply and after notice and hearing, hearing it finds that:

25 (1) The following requirements are met:

- 26 a. The child, the individual obligee, and the obligor do not reside in
27 the issuing state;
- 28 b. A petitioner who is a nonresident of this State seeks
29 modification; and
- 30 c. The respondent is subject to the personal jurisdiction of the
31 tribunal of this State; or

32 (2) ~~An individual party or the child~~ The child, or a party who is an individual,
33 is subject to the personal jurisdiction of the tribunal of this State and all
34 of the individual parties who are individuals have filed a written consent
35 in the issuing tribunal providing that for a tribunal of this State may to
36 modify the support order and assume continuing, exclusive jurisdiction
37 over the order. However, if the issuing state is a foreign jurisdiction that
38 has not enacted a law or established procedures substantially similar to
39 the procedures under this Act, the consent otherwise required of an
40 individual residing in this State is not required for the tribunal to assume
41 jurisdiction to modify the child support order.

42 (b) Modification of a registered child support order is subject to the same
43 requirements, procedures, and defenses that apply to the modification of an order issued

1 by a tribunal of this State, and the order may be enforced and satisfied in the same
2 manner.

3 (c) A tribunal of this State may not modify any aspect of a child support order that
4 may not be modified under the law of the issuing state. If two or more tribunals have
5 issued child support orders for the same obligor and child, the order that controls and
6 must be so recognized under G.S. 52C-2-207 establishes the aspects of the support order
7 which are nonmodifiable.

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

10 (e) ~~Within 30 days after issuance of a modified child support order, the party~~
11 ~~obtaining the modification shall file a certified copy of the order with the issuing tribunal~~
12 ~~which had continuing, exclusive jurisdiction over the earlier order, and in each tribunal in~~
13 ~~which the party knows that the earlier order has been registered."~~

14 Section 14. Article 6 of Chapter 52C of the General Statutes is amended by
15 adding the following new sections to read:

16 "**§ 52C-6-613. Jurisdiction to modify child support order of another state when**
17 **individual parties reside in this State.**

18 (a) If all of the parties who are individuals reside in this State and the child does
19 not reside in the issuing state, a tribunal of this State has jurisdiction to enforce and to
20 modify the issuing state's child support order in a proceeding to register that order.

21 (b) A tribunal of this State exercising jurisdiction under this section shall apply the
22 provisions of Articles 1 and 2 of this Chapter, this Article, and the procedural and
23 substantive law of this State to the proceeding for enforcement or modification. Articles
24 3, 4, 5, 7, and 8 of this Chapter do not apply.

25 "**§ 52C-6-614. Notice to issuing tribunal of modification.**

26 Within 30 days after issuance of a modified child support order, the party obtaining
27 the modification shall file a certified copy of the order with the issuing tribunal that had
28 continuing, exclusive jurisdiction over the earlier order, and in each tribunal in which the
29 party knows the earlier order has been registered. A party who obtains the order and fails
30 to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue
31 of failure to file arises. The failure to file does not affect the validity or enforceability of
32 the modified order of the new tribunal having continuing, exclusive jurisdiction."

33 Section 15. The Reviser of Statutes shall cause to be printed separate from this
34 act all relevant portions of the official comments to the Uniform Interstate Family
35 Support Act, as amended, as the Reviser deems appropriate.

36 Section 16. This act is effective when it becomes law.