

## HOUSE BILL No. 2874

By Committee on Judiciary

2-13

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9 AN ACT concerning the uniform interstate family support act; amending  
10 K.S.A. 23-9,102, 23-9,103, 23-9,201, 23-9,208, 23-9,209, 23-9,303, 23-  
11 9,308, 23-9,310, 23-9,312, 23-9,314, 23-9,316, 23-9,317, 23-9,319, 23-  
12 9,602, 23-9,604, 23-9,612, 23-9,701, 23-9,802 and 23-9,901 and K.S.A.  
13 2003 Supp. 23-9,101, 23-9,202, 23-9,205, 23-9,206, 23-9,207, 23-9,301,  
14 23-9,304, 23-9,305, 23-9,306, 23-9,307, 23-9,311, 23-9,313, 23-9,401,  
15 23-9,501, 23-9,502, 23-9,503, 23-9,506, 23-9,507, 23-9,605, 23-9,606,  
16 23-9,607, 23-9,610, 23-9,611 and 23-9,801 and repealing the existing  
17 sections; also repealing K.S.A. 2003 Supp. 23-9,902.  
18

19 *Be it enacted by the Legislature of the State of Kansas:*

20 Section 1. K.S.A. 2003 Supp. 23-9,101 is hereby amended to read as  
21 follows: 23-9,101. ~~In this act:~~

22 ~~—(a) “Child” means an individual, whether over or under the age of~~  
23 ~~majority, who is or is alleged to be owed a duty of support by the indi-~~  
24 ~~vidual’s parent or who is or is alleged to be the beneficiary of a support~~  
25 ~~order directed to the parent.~~

26 ~~—(b) “Child support order” means a support order for a child, including~~  
27 ~~a child who has attained the age of majority under the law of the issuing~~  
28 ~~state.~~

29 ~~—(c) “Duty of support” means an obligation imposed or imposable by~~  
30 ~~law to provide support for a child, spouse or former spouse, including an~~  
31 ~~unsatisfied obligation to provide support.~~

32 ~~—(d) “Home state” means the state in which a child lived with a parent~~  
33 ~~or a person acting as parent for at least six consecutive months immedi-~~  
34 ~~ately preceding the time of filing of a petition or comparable pleading for~~  
35 ~~support and, if a child is less than six months old, the state in which the~~  
36 ~~child lived from birth with any of them. A period of temporary absence~~  
37 ~~of any of them is counted as part of the six-month or other period.~~

38 ~~—(e) “Income” includes earnings or other periodic entitlements to~~  
39 ~~money from any source and any other property subject to withholding~~  
40 ~~for support under the law of this state.~~

41 ~~—(f) “Income withholding order” means an order or other legal process~~  
42 ~~directed to an obligor’s employer, or other debtor, as defined by the~~  
43 ~~income withholding act, K.S.A. 23-4,105 and amendments thereto, to~~

- 1 withhold support from the income of the obligor.
- 2 — (g) “Initiating state” means a state from which a proceeding is for-  
3 forwarded or in which a proceeding is filed for forwarding to a responding  
4 state under this act or a law or procedure substantially similar to this act,  
5 the uniform reciprocal enforcement of support act or the revised uniform  
6 reciprocal enforcement of support act.
- 7 — (h) “Initiating tribunal” means the authorized tribunal in an initiating  
8 state.
- 9 — (i) “Issuing state” means the state in which a tribunal issues a support  
10 order or renders a judgment determining parentage.
- 11 — (j) “Issuing tribunal” means the tribunal that issues a support order  
12 or renders a judgment determining parentage.
- 13 — (k) “Law” includes decisional and statutory law and rules and regu-  
14 lations having the force of law.
- 15 — (l) “Obligee” means:
- 16 — (1) An individual to whom a duty of support is or is alleged to be  
17 owed or in whose favor a support order has been issued or a judgment  
18 determining parentage has been rendered;
- 19 — (2) a state or political subdivision to which the rights under a duty of  
20 support or support order have been assigned or which has independent  
21 claims based on financial assistance provided to an individual obligee, or  
22 — (3) an individual seeking a judgment determining parentage of the  
23 individual’s child.
- 24 — (m) “Obligor” means an individual, or the estate of a decedent:
- 25 — (1) Who owes or is alleged to owe a duty of support;
- 26 — (2) who is alleged, but has not been, adjudicated to be a parent of a  
27 child; or
- 28 — (3) who is liable under a support order.
- 29 — (n) “Register” means to file a support order or judgment determining  
30 parentage in the responding court.
- 31 — (o) “Registering tribunal” means a tribunal in which a support order  
32 is registered.
- 33 — (p) “Responding state” means a state in which a proceeding is filed  
34 or to which a proceeding is forwarded for filing from an initiating state  
35 under this act or a law or procedure substantially similar to this act, the  
36 uniform reciprocal enforcement of support act, or the revised uniform  
37 reciprocal enforcement of support act.
- 38 — (q) “Responding tribunal” means the authorized tribunal in a re-  
39 sponding state.
- 40 — (r) “Spousal support order” means a support order for a spouse or  
41 former spouse of the obligor.
- 42 — (s) “State” means a state of the United States, the District of Colum-  
43 bia, Puerto Rico, the United States Virgin Islands, or any territory or

1 insular possession subject to the jurisdiction of the United States. The  
2 term includes:

3 ~~—(1) An Indian tribe, and~~

4 ~~—(2) a foreign jurisdiction that has enacted a law or established pro-~~  
5 ~~cedures for issuance and enforcement of support orders which are sub-~~  
6 ~~stantially similar to the procedures under this act, the uniform reciprocal~~  
7 ~~enforcement of support act or the revised uniform reciprocal enforce-~~  
8 ~~ment of support act.~~

9 ~~—(t) “Support enforcement agency” means a public official or agency~~  
10 ~~authorized to seek:~~

11 ~~—(1) Enforcement of support orders or laws relating to the duty of~~  
12 ~~support,~~

13 ~~—(2) establishment or modification of child support,~~

14 ~~—(3) determination of parentage, or~~

15 ~~—(4) to locate obligors or their assets.~~

16 ~~—(u) “Support order” means a judgment, decree or order, whether~~  
17 ~~temporary, final or subject to modification, for the benefit of a child, a~~  
18 ~~spouse or a former spouse, which provides for monetary support, health~~  
19 ~~care, arrearages or reimbursement, and may include related costs and~~  
20 ~~fees, interest, income withholding, attorney fees and other relief.~~

21 ~~—(v) “Tribunal” means a court, administrative agency or quasi-judicial~~  
22 ~~entity authorized to establish, enforce or modify support orders or to~~  
23 ~~determine parentage.~~

24 *K.S.A. 23-9,101 to 23-9,903, and amendments thereto, may be cited as*  
25 *the uniform interstate family support act.*

26 Sec. 2. K.S.A. 23-9,102 is hereby amended to read as follows: 23-  
27 9,102. ~~The courts are the tribunals of this state. In this act:~~

28 (1) *“Child” means an individual, whether over or under the age of*  
29 *majority, who is or is alleged to be owed a duty of support by the indi-*  
30 *vidual’s parent or who is or is alleged to be the beneficiary of a support*  
31 *order directed to the parent.*

32 (2) *“Child support order” means a support order for a child, includ-*  
33 *ing a child who has attained the age of majority under the law of the*  
34 *issuing state.*

35 (3) *“Duty of support” means an obligation imposed or imposable by*  
36 *law to provide support for a child, spouse or former spouse, including an*  
37 *unsatisfied obligation to provide support.*

38 (4) *“Home state” means the state in which a child lived with a parent*  
39 *or a person acting as a parent for at least six consecutive months imme-*  
40 *diately preceding the time of filing of a petition or comparable pleading*  
41 *for support and, if a child is less than six months old, the state in which*  
42 *the child lived from birth with any of them. A period of temporary absence*  
43 *of any of them is counted as part of the six-month or other period.*

- 1     (5) *“Income” includes earnings or other periodic entitlements to*  
2 *money from any source and any other property subject to withholding*  
3 *for support under the law of this state.*
- 4     (6) *“Income withholding order” means an order or other legal process*  
5 *directed to an obligor’s employer, or other debtor, as defined by the in-*  
6 *come withholding act, K.S.A. 23-4,105, and amendments thereto, to with-*  
7 *hold support from the income of the obligor.*
- 8     (7) *“Initiating state” means a state from which a proceeding is for-*  
9 *warded or in which a proceeding is filed for forwarding to a responding*  
10 *state under this act or a law or procedure substantially similar to this act,*  
11 *the uniform reciprocal enforcement of support act or the revised uniform*  
12 *reciprocal enforcement of support act.*
- 13     (8) *“Initiating tribunal” means the authorized tribunal in an initiating*  
14 *state.*
- 15     (9) *“Issuing state” means the state in which a tribunal issues a support*  
16 *order or renders a judgment determining parentage.*
- 17     (10) *“Issuing tribunal” means the tribunal that issues a support order*  
18 *or renders a judgment determining parentage.*
- 19     (11) *“Law” includes decisional and statutory law and rules and reg-*  
20 *ulations having the force of law.*
- 21     (12) *“Obligee” means:*
- 22         (A) *an individual to whom a duty of support is or is alleged to be*  
23 *owed or in whose favor a support order has been issued or a judgment*  
24 *determining parentage has been rendered;*
- 25         (B) *a state or political subdivision to which the rights under a duty*  
26 *of support or support order have been assigned or which has independent*  
27 *claims based on financial assistance provided to an individual obligee; or*  
28         (C) *an individual seeking a judgment determining parentage of the*  
29 *individual’s child.*
- 30     (13) *“Obligor” means an individual or the estate of a decedent:*
- 31         (A) *Who owes or is alleged to owe a duty of support;*
- 32         (B) *who is alleged but has not been adjudicated to be a parent of a*  
33 *child; or*
- 34         (C) *who is liable under a support order.*
- 35     (14) *“Person” means an individual, corporation, business trust, estate,*  
36 *trust, partnership, limited liability company, association, joint venture,*  
37 *government, governmental subdivision, agency or instrumentality, public*  
38 *corporation or any other legal or commercial entity.*
- 39     (15) *“Record” means information that is inscribed on a tangible me-*  
40 *diuim or that is stored in an electronic or other medium and is retrievable*  
41 *in perceivable form.*
- 42     (16) *“Register” means to file a support order or judgment determining*  
43 *parentage in the responding court.*

1 (17) “Registering tribunal” means a tribunal in which a support order  
2 is registered.

3 (18) “Responding state” means a state in which a proceeding is filed  
4 or to which a proceeding is forwarded for filing from an initiating state  
5 under this act or a law or procedure substantially similar to this act, the  
6 uniform reciprocal enforcement of support act or the revised uniform  
7 reciprocal enforcement of support act.

8 (19) “Responding tribunal” means the authorized tribunal in a re-  
9 sponding state.

10 (20) “Spousal support order” means a support order for a spouse or  
11 former spouse of the obligor.

12 (21) “State” means a state of the United States, the District of Colum-  
13 bia, Puerto Rico, the United States Virgin Islands or any territory or  
14 insular possession subject to the jurisdiction of the United States. The term  
15 includes:

16 (A) An Indian tribe; and

17 (B) a foreign country or political subdivision jurisdiction that:

18 (i) Has been declared to be a foreign reciprocating country or political  
19 subdivision under federal law;

20 (ii) has established a reciprocal arrangement for child support with  
21 this state as provided in K.S.A. 23-9,308, and amendments thereto; or

22 (iii) has enacted a law or established procedures for the issuance and  
23 enforcement of support orders which are substantially similar to the pro-  
24 cedures under this act, the uniform reciprocal enforcement of support act  
25 or the revised uniform reciprocal enforcement of support act.

26 (22) “Support enforcement agency” means a public official or agency  
27 authorized to seek:

28 (A) Enforcement of support orders or laws relating to the duty of  
29 support;

30 (B) establishment or modification of child support;

31 (C) determination of parentage;

32 (D) location of obligors or their assets; or

33 (E) determination of the controlling child-support order.

34 (23) “Support order” means a judgment, decree, order or directive,  
35 whether temporary, final or subject to modification, issued by a tribunal  
36 for the benefit of a child, a spouse or a former spouse, which provides for  
37 monetary support, health care, arrearages or reimbursement and may  
38 include related costs and fees, interest, income withholding, attorney’s fees  
39 and other relief.

40 (24) “Tribunal” means a court, administrative agency or quasi-judi-  
41 cial entity authorized to establish, enforce or modify support orders or to  
42 determine parentage.

43 Sec. 3. K.S.A. 23-9,103 is hereby amended to read as follows: 23-

1 9,103. ~~Remedies provided by this act are cumulative and do not affect~~  
2 ~~the availability of remedies under other law~~ *The courts are the tribunals*  
3 *of this state.*

4 New Sec. 4. (a) Remedies provided by this act are cumulative and  
5 do not affect the availability of remedies under other law, including the  
6 recognition of a support order of a foreign country or political subdivision  
7 on the basis of comity.

8 (b) This act does not:

9 (1) Provide the exclusive method of establishing or enforcing a sup-  
10 port order under the law of this state; or

11 (2) grant a tribunal of this state jurisdiction to render a judgment or  
12 issue an order relating to child custody or visitation in a proceeding under  
13 this act.

14 Sec. 5. K.S.A. 23-9,201 is hereby amended to read as follows: 23-  
15 9,201. (a) In a proceeding to establish, enforce or modify a support order  
16 or to determine parentage, a tribunal of this state may exercise personal  
17 jurisdiction over a nonresident individual or the individual's guardian or  
18 conservator if:

19 ~~(a)~~ (1) The individual is personally served with notice within this state;

20 ~~(b)~~ (2) the individual submits to the jurisdiction of this state by con-  
21 sent, by entering a general appearance, or by filing a responsive document  
22 having the effect of waiving any contest to personal jurisdiction;

23 ~~(c)~~ (3) the individual resided with the child in this state;

24 ~~(d)~~ (4) the individual resided in this state and provided prenatal ex-  
25 penses or support for the child;

26 ~~(e)~~ (5) the child resides in this state as a result of the acts or directives  
27 of the individual;

28 ~~(f)~~ (6) the individual engaged in sexual intercourse in this state and  
29 the child may have been conceived by that act of intercourse;

30 ~~(g)~~ (7) the individual asserted parentage in the putative father registry  
31 maintained in this state by the secretary of the department of social and  
32 rehabilitation services; or

33 ~~(h)~~ (8) there is any other basis consistent with the constitutions of  
34 this state and the United States for the exercise of personal jurisdiction.

35 (b) *The bases of personal jurisdiction set forth in subsection (a) or in*  
36 *any other law of this state may not be used to acquire personal jurisdiction*  
37 *for a tribunal of the state to modify a child support order of another state*  
38 *unless the requirements of K.S.A. 23-9,611 or K.S.A. 23-9,615, and*  
39 *amendments thereto, are met.*

40 Sec. 6. K.S.A. 2003 Supp. 23-9,202 is hereby amended to read as  
41 follows: 23-9,202. ~~A tribunal of this state exercising personal jurisdiction~~  
42 ~~over a nonresident under K.S.A. 23-9,201 and amendments thereto may~~  
43 ~~apply K.S.A. 23-9,316 and amendments thereto~~ (special rules of evidence

1 and procedure) to receive evidence from another state, and K.S.A. 23-  
2 9,318 and amendments thereto (assistance with discovery) to obtain dis-  
3 covery through a tribunal of another state. In all other respects, K.S.A.  
4 23-9,103, 23-9,201 through 23-9,209, 23-9,301 through 23-9,319, 23-  
5 9,401, 23-9,501, 23-9,502, 23-9,601 through 23-9,612 and 23-9,701 and  
6 amendments thereto do not apply and the tribunal shall apply the pro-  
7 cedural and substantive law of this state, including the rules on choice of  
8 law other than those established by this act. *Personal jurisdiction acquired*  
9 *by a tribunal of this state in a proceeding under this act or other law of*  
10 *this state relating to a support order continues as long as a tribunal of*  
11 *this state has continuing, exclusive jurisdiction to modify its order or con-*  
12 *tinuing jurisdiction to enforce its order as provided by K.S.A. 23-9,205,*  
13 *K.S.A. 23-9,206 and K.S.A. 23-9,211, and amendments thereto.*

14 Sec. 7. K.S.A. 2003 Supp. 23-9,205 is hereby amended to read as  
15 follows: 23-9,205. (a) A tribunal of this state issuing a support order con-  
16 sistent with the law of this state has continuing, exclusive jurisdiction ~~over~~  
17 *to modify* a child support order *if the order is the controlling order and:*

18 (1) As long as *at the time of filing of a request for modification*, this  
19 state remains the residence of the obligor, the individual obligee or the  
20 child for whose benefit the support order is issued; or

21 (2) until all of the parties who are individuals have filed written con-  
22 sents with the tribunal of this state for a tribunal of another state to modify  
23 the order and assume continuing, exclusive jurisdiction *even if this state*  
24 *is not the residence of the obligor, the individual obligee or the child for*  
25 *whose benefit the support order is issued, the parties consent in a record*  
26 *or in open court that the tribunal of this state may continue to exercise*  
27 *jurisdiction to modify its order.*

28 (b) A tribunal of this state ~~issuing a child support order consistent~~  
29 ~~with the law of this state may not exercise its continuing jurisdiction to~~  
30 ~~modify the order if the order has been modified by a tribunal of another~~  
31 ~~state pursuant to this act or to a law substantially similar to this act that~~  
32 ~~has issued a child support order consistent with the law of this state may~~  
33 ~~not exercise continuing, exclusive jurisdiction to modify the order if:~~

34 (1) *All of the parties who are individuals file consent in a record with*  
35 *the tribunal of this state that a tribunal of another state that has jurisdic-*  
36 *tion over at least one of the parties who is an individual or that is located*  
37 *in the state of residence of the child may modify the order and assume*  
38 *continuing, exclusive jurisdiction; or*

39 (2) *its order is not the controlling order.*

40 (c) ~~If a child support order of this state is modified by a tribunal of~~  
41 ~~another state pursuant to this act or to a law substantially similar to this~~  
42 ~~act, a tribunal of this state loses its continuing, exclusive jurisdiction with~~  
43 ~~regard to prospective enforcement of the order issued in this state, and~~

1 may only:

2 ~~— (1) Enforce the order that was modified as to amounts accruing be-~~  
3 ~~fore the modification;~~  
4 ~~— (2) enforce nonmodifiable aspects of that order, and~~  
5 ~~— (3) provide other appropriate relief for violations of that order which~~  
6 ~~occurred before the effective date of the modification. If a tribunal of~~  
7 ~~another state has issued a child support order pursuant to this act or a~~  
8 ~~law substantially similar to this act that modifies a child support order of~~  
9 ~~a tribunal of this state, tribunals of this state shall recognize the contin-~~  
10 ~~uing, exclusive jurisdiction of the tribunal of the other state.~~

11 (d) ~~A tribunal of this state shall recognize the continuing, exclusive~~  
12 ~~jurisdiction of a tribunal of another state which has issued a child support~~  
13 ~~order pursuant to this act or to a law substantially similar to this act. A~~  
14 ~~tribunal of this state that lacks continuing, exclusive jurisdiction to modify~~  
15 ~~a child support order may serve as an initiating tribunal to request a~~  
16 ~~tribunal of another state to modify a support order issued in that state.~~

17 (e) A temporary support order issued ex parte or pending resolution  
18 of a jurisdictional conflict does not create continuing, exclusive jurisdic-  
19 tion in the issuing tribunal.

20 (f) ~~A tribunal of this state issuing a support order consistent with the~~  
21 ~~law of this state has continuing, exclusive jurisdiction over a spousal sup-~~  
22 ~~port order throughout the existence of the support obligation. A tribunal~~  
23 ~~of this state may not modify a spousal support order issued by a tribunal~~  
24 ~~of another state having continuing, exclusive jurisdiction over that order~~  
25 ~~under the law of that state.~~

26 Sec. 8. K.S.A. 2003 Supp. 23-9,206 is hereby amended to read as  
27 follows: 23-9,206. (a) A tribunal of this state *that has issued a child support*  
28 *order consistent with the law of this state* may serve as an initiating tri-  
29 bunal to request a tribunal of another state to enforce or modify a support  
30 order issued in that state:

31 (1) *If the order is the controlling order and has not been modified by*  
32 *a tribunal of another state that assumed jurisdiction pursuant to this act;*  
33 *or*

34 (2) *a money judgment for arrears of support and interest on the order*  
35 *accrued before a determination that an order of another state is the con-*  
36 *trolling order.*

37 (b) A tribunal of this state having continuing, ~~exclusive~~ jurisdiction  
38 over a support order may act as a responding tribunal to enforce ~~or modify~~  
39 the order. ~~If a party subject to the continuing, exclusive jurisdiction of~~  
40 ~~the tribunal no longer resides in the issuing state, in subsequent pro-~~  
41 ~~ceedings the tribunal may apply K.S.A. 23-9,316 and amendments thereto~~  
42 ~~(special rules of evidence and procedure) to receive evidence from an~~  
43 ~~other state and K.S.A. 23-9,318 and amendments thereto (assistance with~~



1 ~~discovery) to obtain discovery through a tribunal of another state.~~  
2 ~~(c) A tribunal of this state which lacks continuing, exclusive jurisdic-~~  
3 ~~tion over a spousal support order may not serve as a responding tribunal~~  
4 ~~to modify a spousal support order of another state.~~

5 Sec. 9. K.S.A. 2003 Supp. 23-9,207 is hereby amended to read as  
6 follows: 23-9,207. (a) If a proceeding is brought under this act and only  
7 one tribunal has issued a child support order, the order of that tribunal  
8 controls and must be so recognized.

9 (b) If a proceeding is brought under this act, and two or more child  
10 support orders have been issued by tribunals of this state or another state  
11 with regard to the same obligor and *same* child, a tribunal of this state  
12 *having personal jurisdiction over both the obligor and individual obligee*  
13 shall apply the following rules ~~in determining and by order shall deter-~~  
14 ~~mine which order to recognize for purposes of continuing, exclusive ju-~~  
15 ~~risdiction controls:~~

16 (1) If only one of the tribunals would have continuing, exclusive ju-  
17 risdiction under this act, the order of that tribunal controls and must be  
18 so recognized.

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

24 (3) If none of the tribunals would have continuing, exclusive jurisdic-  
25 tion under this act, the tribunal of this state ~~having jurisdiction over the~~  
26 ~~parties~~ shall issue a child support order, which controls ~~and must be so~~  
27 ~~recognized~~.

28 (c) If two or more child support orders have been issued for the same  
29 obligor and *same* child ~~and if the obligor or the individual obligee resides~~  
30 ~~in this state, upon request of a party may request who is an individual or~~  
31 ~~a support enforcement agency, a tribunal of this state to having personal~~  
32 ~~jurisdiction over both the obligor and the obligee who is an individual~~  
33 determine which order controls and must be so recognized under sub-  
34 section (b). ~~The request must be accompanied by a certified copy of every~~  
35 ~~support order in effect. The requesting party shall give notice of the~~  
36 ~~request to each party whose rights may be affected by the determination.~~  
37 *The request may be filed with a registration for enforcement or registra-*  
38 *tion for modification pursuant to K.S.A. 23-9,601, et seq., and amend-*  
39 *ments thereto, or may be filed as a separate proceeding.*

40 (d) *A request to determine which is the controlling order must be*  
41 *accompanied by a copy of every child support order in effect and the*  
42 *applicable record of payments. The requesting party shall give notice of*  
43 *the request to each party whose rights may be affected by the*

1 *determination.*

2 ~~(d)~~ (e) The tribunal that issued the controlling order under subsection  
3 (a), (b) or (c) is the tribunal that has continuing, ~~exclusive~~ jurisdiction  
4 ~~under to the extent provided in K.S.A. 23-9,205 and 23-9,206~~, and amend-  
5 ments thereto.

6 ~~(e)~~ (f) A tribunal of this state ~~which that~~ determines by order ~~the~~  
7 ~~identity of that is~~ the controlling order under subsection (b)(1) ~~or~~, (b) (2)  
8 ~~or (c), that~~ or ~~which that~~ issues a new controlling order under subsection  
9 (b)(3), shall state in that order ~~the basis upon which the tribunal made~~  
10 ~~its determination.:~~

11 (1) *The basis upon which the tribunal made its determination;*

12 (2) *the amount of prospective support, if any; and*

13 (3) *the total amount of consolidated arrears and accrued interest, if*  
14 *any, under all of the orders after all payments made are credited as pro-*  
15 *vided by K.S.A. 23-9,209, and amendments thereto.*

16 ~~(f)~~ (g) Within 30 days after issuance of an order determining ~~the~~  
17 ~~identity of which is~~ the controlling order, the party obtaining the order  
18 shall file a certified copy of it ~~with in~~ each tribunal that issued or regis-  
19 tered an earlier order of child support. A party ~~who obtains or support~~  
20 ~~enforcement agency obtaining the order and who~~ fails to file a certified  
21 copy is subject to appropriate sanctions by a tribunal in which the issue  
22 of failure to file arises. The failure to file does not affect the validity or  
23 enforceability of the controlling order.

24 (h) *An order that has been determined to be the controlling order, or*  
25 *a judgment for consolidated arrears of support and interest, if any, made*  
26 *pursuant to this section must be recognized in proceedings under this act.*

27 Sec. 10. K.S.A. 23-9,208 is hereby amended to read as follows: 23-  
28 9,208. In responding to ~~multiple~~ registrations or petitions for enforce-  
29 ment of two or more child support orders in effect at the same time with  
30 regard to the same obligor and different individual obligees, at least one  
31 of which was issued by a tribunal of another state, a tribunal of this state  
32 shall enforce those orders in the same manner as if the ~~multiple~~ orders  
33 had been issued by a tribunal of this state.

34 Sec. 11. K.S.A. 23-9,209 is hereby amended to read as follows: 23-  
35 9,209. ~~Amounts collected~~ *A tribunal of this state shall credit amounts*  
36 *collected and credited for a particular period pursuant to a support order*  
37 *any child support order against the amounts owed for the same period*  
38 *under any other child support order for support of the same child issued*  
39 *by a tribunal of this or another state must be credited against the amounts*  
40 *accruing or accrued for the same period under a support order issued by*  
41 *the tribunal of this state.*

42 New Sec. 12. A tribunal of this state exercising personal jurisdiction  
43 over a nonresident in a proceeding under this act, under other law of this

1 state relating to a support order or recognizing a support order of a foreign  
2 country or political subdivision on the basis of comity may receive evi-  
3 dence from another state pursuant to K.S.A. 23-9,316, and amendments  
4 thereto, communicate with a tribunal of another state pursuant to K.S.A.  
5 23-9, 317, and amendments thereto, and obtain discovery through a tri-  
6 bunal of another state pursuant to K.S.A. 23-9,318, and amendments  
7 thereto. In all other respects, K.S.A. 23-9, 301 to 23-9,701, and amend-  
8 ments thereto, do not apply and the tribunal shall apply the procedural  
9 and substantive law of this state.

10 New Sec. 13. (a) A tribunal of this state issuing a spousal support  
11 order consistent with the law of this state has continuing, exclusive juris-  
12 diction to modify the spousal support order throughout the existence of  
13 the support obligation.

14 (b) A tribunal of this state may not modify a spousal support order  
15 issued by a tribunal of another state having continuing, exclusive jurisdic-  
16 tion over that order under the law of that state.

17 (c) A tribunal of this state that has continuing, exclusive jurisdiction  
18 over a spousal support order may serve as:

19 (1) An initiating tribunal to request a tribunal of another state to  
20 enforce the spousal support order issued in this state; or

21 (2) a responding tribunal to enforce or modify its own spousal support  
22 order.

23 Sec. 14. K.S.A. 2003 Supp. 23-9,301 is hereby amended to read as  
24 follows: 23-9,301. (a) Except as otherwise provided in this act, K.S.A. 23-  
25 9,301 through 23-9,319 and amendments thereto apply to all proceedings  
26 under this act.

27 (b) ~~This act provides for the following proceedings:~~

28 ~~—(1) Establishment of an order for spousal support or child support~~  
29 ~~pursuant to K.S.A. 23-9,401 and amendments thereto;~~

30 ~~—(2) enforcement of a support order and income withholding order of~~  
31 ~~another state without registration pursuant to K.S.A. 23-9,501 and 23-~~  
32 ~~9,502 and amendments thereto;~~

33 ~~—(3) registration of an order for spousal support or child support of~~  
34 ~~another state for enforcement pursuant to K.S.A. 23-9,601 through 23-~~  
35 ~~9,612 and amendments thereto;~~

36 ~~—(4) modification of an order for child support or spousal support is-~~  
37 ~~sued by a tribunal of this state pursuant to K.S.A. 23-9,203 through 23-~~  
38 ~~9,206 and amendments thereto;~~

39 ~~—(5) registration of an order for child support of another state for mod-~~  
40 ~~ification pursuant to K.S.A. 23-9,601 through 23-9,612 and amendments~~  
41 ~~thereto;~~

42 ~~—(6) determination of parentage pursuant to K.S.A. 23-9,701 and~~  
43 ~~amendments thereto; and~~

1 ~~—(7) assertion of jurisdiction over nonresidents pursuant to K.S.A. 23-~~  
2 ~~9,201 and 23-9,202 and amendments thereto.~~

3 ~~—(e)~~ An individual petitioner or a support enforcement agency may  
4 ~~commence~~ *initiate* a proceeding authorized under this act by filing a pe-  
5 tition in an initiating tribunal for forwarding to a responding tribunal or  
6 by filing a petition or a comparable pleading directly in a tribunal of  
7 another state which has or can obtain personal jurisdiction over the  
8 respondent.

9 Sec. 15. K.S.A. 23-9,303 is hereby amended to read as follows: 23-  
10 9,303. Except as otherwise provided ~~by~~ *in* this act, a responding tribunal  
11 of this state *shall*:

12 (a) ~~Shall~~ Apply the procedural and substantive law, ~~including the~~  
13 ~~rules on choice of law~~, generally applicable to similar proceedings origi-  
14 nating in this state and may exercise all powers and provide all remedies  
15 available in those proceedings; and

16 (b) ~~shall~~ determine the duty of support and the amount payable in  
17 accordance with the law and support guidelines of this state.

18 Sec. 16. K.S.A. 2003 Supp. 23-9,304 is hereby amended to read as  
19 follows: 23-9,304. (a) Upon the filing of a petition authorized by this act,  
20 an initiating tribunal of this state shall forward ~~three copies of~~ the petition  
21 and its accompanying documents:

22 (1) To the responding tribunal or appropriate support enforcement  
23 agency in the responding state; or

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

27 (b) ~~If a responding state has not enacted this act or a law or procedure~~  
28 ~~substantially similar to this act~~ *requested by the responding tribunal*, a  
29 tribunal of this state ~~may~~ *shall* issue a certificate or other document and  
30 make findings required by the law of the responding state. If the respond-  
31 ing state is a foreign ~~jurisdiction~~ *county or political subdivision*, upon  
32 *request* the tribunal may specify the amount of support sought and *con-*  
33 *vert that amount into the equivalent amount in the foreign currency under*  
34 *applicable official or market exchange rate as publicly reported*, and pro-  
35 vide *any* other documents necessary to satisfy the requirements of the  
36 responding state.

37 Sec. 17. K.S.A. 2003 Supp. 23-9,305 is hereby amended to read as  
38 follows: 23-9,305. (a) When a responding tribunal of this state receives a  
39 petition or comparable pleading from an initiating tribunal or directly  
40 pursuant to subsection ~~(e)~~ *(b)* of K.S.A. 23-9,301 and amendments thereto  
41 ~~(proceedings under this act)~~, it shall cause the petition or pleading to be  
42 filed and notify the petitioner only by personal service or registered mail,  
43 return receipt requested where and when it was filed.

1 (b) A responding tribunal of this state, to the extent ~~otherwise au-~~  
2 ~~thorized~~ *not prohibited by other law*, may do one or more of the following:

3 (1) Issue or enforce a support order, *determine the controlling child*  
4 *support order*, modify a child support order or ~~render a judgment to~~  
5 determine parentage;

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

8 (3) order income withholding;

9 (4) determine the amount of any arrearages, and specify a method of  
10 payment;

11 (5) enforce orders by civil or criminal contempt, or both;

12 (6) set aside property for satisfaction of the support order;

13 (7) place liens and order execution on the obligor's property;

14 (8) order an obligor to keep the tribunal informed of the obligor's  
15 current residential address, telephone number, employer, address of em-  
16 ployment and telephone number at the place of employment;

17 (9) issue a bench warrant for an obligor who has failed after proper  
18 notice to appear at a hearing ordered by the tribunal and enter the bench  
19 warrant in any local and state computer systems for criminal warrants;

20 (10) order the obligor to seek appropriate employment by specified  
21 methods;

22 (11) award reasonable attorney fees and other fees and costs; and

23 (12) grant any other available remedy.

24 (c) A responding tribunal of this state shall include in a support order  
25 issued under this act, or in the documents accompanying the order, the  
26 calculations on which the support order is based.

27 (d) A responding tribunal of this state may not condition the payment  
28 of a support order issued under this act upon compliance by a party with  
29 provisions for visitation.

30 (e) If a responding tribunal of this state issues an order under this  
31 act, the tribunal shall send a copy of the order to the petitioner only by  
32 personal service or registered mail, return receipt requested and the re-  
33 spondent and to the initiating tribunal, if any.

34 (f) *If requested to enforce a support order, arrears or judgment or to*  
35 *modify a support order stated in a foreign currency, a responding tribunal*  
36 *of this state shall convert the amount stated in the foreign currency to the*  
37 *equivalent amount in dollars under the applicable official or market*  
38 *exchange rate as publicly reported.*

39 Sec. 18. K.S.A. 2003 Supp. 23-9,306 is hereby amended to read as  
40 follows: 23-9,306. If a petition or comparable pleading is received by an  
41 inappropriate tribunal of this state, ~~it~~ *the tribunal* shall forward the plead-  
42 ing and accompanying documents to an appropriate tribunal in this state  
43 or another state and notify the petitioner only by personal service or

1 registered mail, return receipt requested, where and when the pleading  
2 was sent.

3 Sec. 19. K.S.A. 2003 Supp. 23-9,307 is hereby amended to read as  
4 follows: 23-9,307. (a) A support enforcement agency of this state, upon  
5 request, shall provide services to a petitioner in a proceeding under this  
6 act.

7 (b) A support enforcement agency *of this state* that is providing serv-  
8 ices to the petitioner ~~as appropriate~~ shall:

9 (1) Take all steps necessary to enable an appropriate tribunal in this  
10 state or another state to obtain jurisdiction over the respondent;

11 (2) request an appropriate tribunal to set a date, time and place for  
12 a hearing;

13 (3) make a reasonable effort to obtain all relevant information, in-  
14 cluding information as to income and property of the parties;

15 (4) within two days, exclusive of Saturdays, Sundays and legal holi-  
16 days, after receipt of a written notice *in a record* from an initiating, re-  
17 sponding or registering tribunal, send a copy of the notice only by per-  
18 sonal service or registered mail, return receipt requested to the petitioner;

19 (5) within two days, exclusive of Saturdays, Sundays and legal holi-  
20 days, after receipt of a written communication *in a record* from the re-  
21 spondent or the respondent's attorney, send a copy of the communication  
22 to the petitioner; and

23 (6) notify the petitioner if jurisdiction over the respondent cannot be  
24 obtained.

25 (c) *A support enforcement agency of this state that requests registra-*  
26 *tion of a child support order in this state for enforcement or for modifi-*  
27 *cation shall make reasonable efforts:*

28 (1) *To ensure that the order to be registered is the controlling order;*  
29 *or*

30 (2) *if two or more child support orders exist and the identity of the*  
31 *controlling order has not been determined, to ensure that a request for*  
32 *such a determination is made in a tribunal having jurisdiction to do so.*

33 (d) *A support enforcement agency of this state that requests registra-*  
34 *tion and enforcement of a support order, arrears or judgment stated in a*  
35 *foreign currency shall convert the amounts stated in the foreign currency*  
36 *into the equivalent amounts in dollars under the applicable official or*  
37 *market exchange rate as publicly reported.*

38 (e) *A support enforcement agency of this state shall issue or request*  
39 *a tribunal of this state to issue a child support order and an income with-*  
40 *holding order that redirect payment of current support, arrears and in-*  
41 *terest if requested to do so by a support enforcement agency of another*  
42 *state pursuant to K.S.A. 23-9,319, and amendments thereto, of the uni-*  
43 *form interstate family support act.*

1     ~~(e)~~ (f) This act does not create or negate a relationship of attorney  
2 and client or other fiduciary relationship between a support enforcement  
3 agency or the attorney for the agency and the individual being assisted  
4 by the agency.

5     Sec. 20. K.S.A. 23-9,308 is hereby amended to read as follows: 23-  
6 9,308. If the ~~attorney general~~ *secretary of social and rehabilitation serv-*  
7 *ices* determines that the support enforcement agency is neglecting or  
8 refusing to provide services to an individual, the ~~attorney general~~ *secre-*  
9 *tary of social and rehabilitation services* may order the agency to perform  
10 its duties under this act or may provide those services directly to the  
11 individual.

12     (b) *The secretary of social and rehabilitation services may determine*  
13 *that a foreign country or political subdivision has established a reciprocal*  
14 *arrangement for child support with this state and take appropriate action*  
15 *for notification of the determination.*

16     Sec. 21. K.S.A. 23-9,310 is hereby amended to read as follows: 23-  
17 9,310. (a) The department of social and rehabilitation services is the state  
18 information agency under this act.

19     (b) The state information agency shall:

20     (1) Compile and maintain a current list, including addresses, of the  
21 tribunals in this state which have jurisdiction under this act and any sup-  
22 port enforcement agencies in this state and transmit a copy to the state  
23 information agency of every other state;

24     (2) maintain a register of *names and addresses of* tribunals and sup-  
25 port enforcement agencies received from other states;

26     (3) forward to the appropriate tribunal in the ~~place~~ *county* in this  
27 state in which the ~~individual~~ *obligee who is an individual* or the obligor  
28 resides, or in which the obligor's property is believed to be located, all  
29 documents concerning a proceeding under this act received from an in-  
30 itiating tribunal or the state information agency of the initiating state; and

31     (4) obtain information concerning the location of the obligor and the  
32 obligor's property within this state not exempt from execution, by such  
33 means as postal verification and federal or state locator services, exami-  
34 nation of telephone directories, requests for the obligor's address from  
35 employers, and examination of governmental records, including, to the  
36 extent not prohibited by other law, those relating to real property, vital  
37 statistics, law enforcement, taxation, motor vehicles, drivers' licenses and  
38 social security.

39     Sec. 22. K.S.A. 2003 Supp. 23-9,311 is hereby amended to read as  
40 follows: 23-9,311. (a) ~~A~~ *In a proceeding under this act, a petitioner seek-*  
41 *ing to establish or modify a support order or to determine parentage in*  
42 ~~a proceeding under this act, or to register and modify a support order of~~  
43 *another state must verify the file* petition. Unless otherwise ordered under

1 K.S.A. 23-9,312 and amendments thereto (~~nondisclosure of information~~  
2 ~~in exceptional circumstances~~), the petition or accompanying documents  
3 must provide, so far as known, the name, residential address and social  
4 security numbers of the obligor and the obligee, *or the parent and alleged*  
5 *parent*, and the name, sex, residential address, social security number and  
6 date of birth of each child for ~~whom~~ *whose benefit* support is sought *or*  
7 *whose parentage is to be determined*. ~~The~~ *Unless filed at the time of*  
8 *registration, the* petition must be accompanied by a ~~certified~~ copy of any  
9 support order ~~in effect known to have been issued by another tribunal~~.  
10 The petition may include any other information that may assist in locating  
11 or identifying the respondent.

12 (b) The petition must specify the relief sought. The petition and ac-  
13 companying documents must conform substantially with the require-  
14 ments imposed by the forms mandated by federal law for use in cases  
15 filed by a support enforcement agency.

16 Sec. 23. K.S.A. 23-9,312 is hereby amended to read as follows: 23-  
17 9,312. ~~Upon a finding, which may be made ex parte, that the health, safety~~  
18 ~~or liberty of a party or child would be unreasonably put at risk by the~~  
19 ~~disclosure of identifying information, or if an existing order so provides,~~  
20 ~~a tribunal shall order that the address of the child or party or other iden-~~  
21 ~~tifying information not be disclosed in a pleading or other document filed~~  
22 ~~in a proceeding under this act. If a party alleges in an affidavit or a~~  
23 ~~pleading under oath that the health, safety or liberty of a party or child~~  
24 ~~would be jeopardized by disclosure of specific identifying information,~~  
25 ~~that information must be sealed and may not be disclosed to the other~~  
26 ~~party or the public. After a hearing in which a tribunal takes into consid-~~  
27 ~~eration the health, safety or liberty of the party or child, the tribunal may~~  
28 ~~order disclosure of information that the tribunal determines to be in the~~  
29 ~~interest of justice.~~

30 Sec. 24. K.S.A. 2003 Supp. 23-9,313 is hereby amended to read as  
31 follows: 23-9,313. (a) The petitioner may not be required to pay a filing  
32 fee or other costs.

33 (b) If an obligee prevails, a responding tribunal may assess against an  
34 obligor filing fees, reasonable attorney fees, other costs and necessary  
35 travel and other reasonable expenses incurred by the obligee and the  
36 obligee's witnesses. The tribunal may not assess fees, costs or expenses  
37 against the obligee or the support enforcement agency of either the ini-  
38 tiating or the responding state, except as provided by other law. Attorney  
39 fees may be taxed as costs, and may be ordered paid directly to the at-  
40 torney, who may enforce the order in the attorney's own name. Payment  
41 of support owed to the obligee has priority over fees, costs and expenses.

42 (c) The tribunal may order the payment of costs and reasonable at-  
43 torney fees if it determines that a hearing was requested primarily for



1 delay. In a proceeding under K.S.A. 23-9,601, et seq., and amendments  
2 thereto, a hearing is presumed to have been requested primarily for delay  
3 if a registered support order is confirmed or enforced without change.

4 Sec. 25. K.S.A. 23-9,314 is hereby amended to read as follows: 23-  
5 9,314. (a) Participation by a petitioner in a proceeding *under this act*  
6 before a responding tribunal, whether in person, by private attorney, or  
7 through services provided by the support enforcement agency, does not  
8 confer personal jurisdiction over the petitioner in another proceeding.

9 (b) A petitioner is not amenable to service of civil process while phys-  
10 ically present in this state to participate in a proceeding under this act.

11 (c) The immunity granted by this section does not extend to civil  
12 litigation based on acts unrelated to a proceeding under this act commit-  
13 ted by a party while present in this state to participate in the proceeding.

14 Sec. 26. K.S.A. 23-9,316 is hereby amended to read as follows: 23-  
15 9,316. (a) The physical presence of ~~the petitioner~~ *a nonresident party*  
16 *who is an individual* in a ~~responding~~ tribunal of this state is not required  
17 for the establishment, enforcement or modification of a support order or  
18 the rendition of a judgment determining parentage.

19 (b) ~~A verified petition,~~ An affidavit or document substantially com-  
20 plying with federally mandated forms, ~~and~~ or a document incorporated  
21 by reference in any of them, *which would not be* excluded under the  
22 hearsay rule if given in person, is admissible in evidence if given under  
23 ~~oath~~ *penalty of perjury* by a party or witness residing in another state.

24 (c) A copy of the record of child support payments certified as a true  
25 copy of the original by the custodian of the record may be forwarded to  
26 a responding tribunal. The copy is evidence of facts asserted in it, and is  
27 admissible to show whether payments were made.

28 (d) Copies of bills for testing for parentage, and for prenatal and  
29 postnatal health care of the mother and child, furnished to the adverse  
30 party at least 10 days before trial, are admissible in evidence to prove the  
31 amount of the charges billed and that the charges were reasonable, nec-  
32 essary and customary.

33 (e) Documentary evidence transmitted from another state to a tri-  
34 bunal of this state by telephone, telecopies or other means that do not  
35 provide an original ~~writing~~ *record* may not be excluded from evidence on  
36 an objection based on the means of transmission.

37 (f) In a proceeding under this act, a tribunal of this state ~~may~~ *shall*  
38 permit a party or witness residing in another state to be deposed or to  
39 testify by telephone, audiovisual means or other electronic means at a  
40 designated tribunal or other location in that state. A tribunal of this state  
41 shall cooperate with tribunals of other states in designating an appropriate  
42 location for the deposition or testimony.

43 (g) If a party called to testify at a civil hearing refuses to answer on

1 the ground that the testimony may be self-incriminating, the trier of fact  
2 may draw an adverse inference from the refusal.

3 (h) A privilege against disclosure of communications between spouses  
4 does not apply in a proceeding under this act.

5 (i) The defense of immunity based on the relationship of husband  
6 and wife or parent and child does not apply in a proceeding under this  
7 act.

8 (j) *A voluntary acknowledgment of paternity, certified as a true copy,*  
9 *is admissible to establish parentage of the child.*

10 Sec. 27. K.S.A. 23-9,317 is hereby amended to read as follows: 23-  
11 9,317. A tribunal of this state may communicate with a tribunal of another  
12 state *or foreign country or political subdivision* in ~~writing a record~~, or by  
13 telephone or other means, to obtain information concerning the laws ~~of~~  
14 ~~that state~~, the legal effect of a judgment, decree or order of that tribunal,  
15 and the status of a proceeding in the other state *or foreign country or*  
16 *political subdivision*. A tribunal of this state may furnish similar infor-  
17 mation by similar means to a tribunal of another state *or foreign country*  
18 *or political subdivision*.

19 Sec. 28. K.S.A. 23-9,319 is hereby amended to read as follows: 23-  
20 9,319. (a) A support enforcement agency or tribunal of this state shall  
21 disburse promptly any amounts received pursuant to a support order, as  
22 directed by the order. The agency or tribunal shall furnish to a requesting  
23 party or tribunal of another state a certified statement by the custodian  
24 of the record of the amounts and dates of all payments received.

25 (b) *If neither the obligor, nor the obligee who is an individual, nor*  
26 *the child resides in this state, upon request from the support enforcement*  
27 *agency of this state or another state, the department of social and reha-*  
28 *bilitation services or a tribunal of this state shall:*

29 (1) *Direct that the support payment be made to the support enforce-*  
30 *ment agency in the state in which the obligee is receiving services; and*

31 (2) *issue and send to the obligor's employer a conforming income*  
32 *withholding order or an administrative notice of change of payee, reflect-*  
33 *ing the redirected payments.*

34 (c) *Upon receiving redirected payments from another state pursuant*  
35 *to a law similar to subsection (b), the department of social and rehabili-*  
36 *tation services shall furnish to a requesting party or tribunal of the other*  
37 *state a certified statement by the custodian of the record of the amount*  
38 *and dates of all payments received.*

39 Sec. 29. K.S.A. 2003 Supp. 23-9,401 is hereby amended to read as  
40 follows: 23-9,401. (a) If a support order entitled to recognition under this  
41 act has not been issued, a responding tribunal of this state may issue a  
42 support order if:

43 (1) The individual seeking the order resides in another state; or

1 (2) the support enforcement agency seeking the order is located in  
2 another state.

3 (b) The tribunal may issue a temporary child support order if:

4 ~~(1) The respondent has signed a verified statement acknowledging~~  
5 ~~parentage;~~

6 ~~(2) the respondent has been determined by or pursuant to law to be~~  
7 ~~the parent, or~~

8 ~~(3) there is other clear and convincing evidence that the respondent~~  
9 ~~is the child's parent. if the tribunal determines that such an order is ap-~~  
10 ~~propriate and the individual ordered to pay is:~~

11 (1) *A presumed father of the child;*

12 (2) *petitioning to have his paternity adjudicated;*

13 (3) *identified as the father of the child through genetic testing;*

14 (4) *an alleged father who has declined to submit to genetic testing;*

15 (5) *shown by clear and convincing evidence to be the father of the*  
16 *child;*

17 (6) *an acknowledged father as provided by K.S.A. 38-1114, and*  
18 *amendments thereto;*

19 (7) *the mother of the child; or*

20 (8) *an individual who has been ordered to pay child support in a*  
21 *previous proceeding and the order has not been reversed or vacated.*

22 (c) Upon finding, after notice and opportunity to be heard, that an  
23 obligor owes a duty of support, the tribunal shall issue a support order  
24 directed to the obligor and may issue other orders pursuant to K.S.A. 23-  
25 9,305 and amendments thereto ~~(duties and powers of responding~~  
26 ~~tribunal).~~

27 Sec. 30. K.S.A. 2003 Supp. 23-9,501 is hereby amended to read as  
28 follows: 23-9,501. An income withholding order issued in another state  
29 may be sent *by or on behalf of the obligee, or by the support enforcement*  
30 *agency, to the person or entity defined as the obligor's employer under*  
31 *the income withholding act, K.S.A. 23-4,105 et seq. and amendments*  
32 *thereto without first filing a petition or comparable pleading or registering*  
33 *the order with a tribunal of this state.*

34 Sec. 31. K.S.A. 2003 Supp. 23-9,502 is hereby amended to read as  
35 follows: 23-9,502. (a) Upon receipt of an income withholding order, the  
36 obligor's employer shall immediately provide a copy of the order to the  
37 obligor.

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

41 (c) Except as otherwise provided in subsection (d) and K.S.A. 2003  
42 Supp. 23-9,503 and amendments thereto the employer shall withhold and  
43 distribute the funds as directed in the withholding order by complying

1 with terms of the order which specify:

- 2 (1) The duration and amount of periodic payments of current child  
3 support, stated as a sum certain;  
4 (2) the person ~~or agency~~ designated to receive payments and the ad-  
5 dress to which the payments are to be forwarded;  
6 (3) medical support, whether in the form of periodic cash payment,  
7 stated as a sum certain, or ordering the obligor to provide health insurance  
8 coverage for the child under a policy available through the obligor's  
9 employment;  
10 (4) the amount of periodic payments of fees and costs for a support  
11 enforcement agency, the issuing tribunal, and the obligee's attorney,  
12 stated as sums certain; and  
13 (5) the amount of periodic payments of arrearages and interest on  
14 arrearages, stated as sums certain.

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

- 18 (1) The employer's fee for processing an income withholding order;  
19 (2) the maximum amount permitted to be withheld from the obligor's  
20 income; and  
21 (3) the times within which the employer must implement the with-  
22 holding order and forward the child support payment.

23 Sec. 32. K.S.A. 2003 Supp. 23-9,503 is hereby amended to read as  
24 follows: 23-9,503. If an obligor's employer receives ~~multiple~~ *two or more*  
25 income withholding orders with respect to the earnings of the same ob-  
26 ligor, the employer satisfies the terms of the ~~multiple~~ orders if the em-  
27 ployer complies with the law of the state of the obligor's principal place  
28 of employment with that employer to establish the priorities for with-  
29 holding and allocating income withheld for ~~multiple~~ *two or more* child  
30 support obligees.

31 Sec. 33. K.S.A. 2003 Supp. 23-9,506 is hereby amended to read as  
32 follows: 23-9,506. (a) An obligor may contest the validity or enforcement  
33 of an income withholding order issued in another state and received di-  
34 rectly by an employer in this state *by registering the order in a tribunal*  
35 *of this state and filing a contest to that order as provided in K.S.A. 23-*  
36 *9,601, et seq., and amendments thereto, or otherwise contesting the order*  
37 *in the same manner as if the order had been issued by a tribunal of this*  
38 *state. ~~K.S.A. 23-9,604 and amendments thereto (choice of law) applies to~~*  
39 *the contest.*

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

- 41 (1) A support enforcement agency providing services to the obligee;  
42 (2) each employer that has directly received an income withholding  
43 order *relating to the obligor*; and

1 (3) the person ~~or agency~~ designated to receive payments in the in-  
2 come withholding order or, if no person ~~or agency~~ is designated, to the  
3 obligee.

4 Sec. 34. K.S.A. 2003 Supp. 23-9,507 is hereby amended to read as  
5 follows: 23-9,507. (a) A party *or support enforcement agency* seeking to  
6 enforce a support order or an income withholding order, or both, issued  
7 by a tribunal of another state may send the documents required for reg-  
8 istering the order to a support enforcement agency of this state.

9 (b) Upon receipt of the documents, the support enforcement agency,  
10 without initially seeking to register the order, shall consider and, if ap-  
11 propriate, use any administrative procedure authorized by the law of this  
12 state to enforce a support order or an income withholding order, or both.  
13 If the obligor does not contest administrative enforcement, the order  
14 need not be registered. If the obligor contests the validity or administra-  
15 tive enforcement of the order, the support enforcement agency shall reg-  
16 ister the order pursuant to this act.

17 Sec. 35. K.S.A. 23-9,602 is hereby amended to read as follows: 23-  
18 9,602. (a) A support order or income withholding order of another state  
19 may be registered in this state by sending the following ~~documents re-~~  
20 ~~records~~ and information to the responding tribunal in this state:

21 (1) A letter of transmittal to the tribunal requesting registration and  
22 enforcement;

23 (2) two copies, including one certified copy, of ~~all orders~~ *the order* to  
24 be registered, including any modification of ~~an~~ *the* order;

25 (3) a sworn statement by the ~~party seeking~~ *person requesting* regis-  
26 tration or a certified statement by the custodian of the records showing  
27 the amount of any arrearage;

28 (4) the name of the obligor and, if known:

29 (A) The obligor's address and social security number;

30 (B) the name and address of the obligor's employer and any other  
31 source of income of the obligor; and

32 (C) a description and the location of property of the obligor in this  
33 state not exempt from execution; and

34 (5) *except as otherwise provided in K.S.A. 23-9,312, and amendments*  
35 *thereto*, the name and address of the obligee and, if applicable, ~~the agency~~  
36 ~~or~~ person to whom support payments are to be remitted.

37 (b) On receipt of a request for registration, the registering tribunal  
38 shall cause the order to be filed as a foreign judgment, together with one  
39 copy of the documents and information, regardless of their form.

40 (c) A petition or comparable pleading seeking a remedy that must be  
41 affirmatively sought under other law of this state may be filed at the same  
42 time as the request for registration or later. The pleading must specify  
43 the grounds for the remedy sought.

1 (d) *If two or more orders are in effect, the person requesting regis-*  
2 *tration shall:*

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

5 (2) *specify the order alleged to be the controlling order, if any; and*

6 (3) *specify the amount of consolidated arrears, if any.*

7 (e) *A request for a determination of which is the controlling order*  
8 *may be filed separately or with a request for registration and enforcement*  
9 *or for registration and modification. The person requesting registration*  
10 *shall give notice of the request to each party whose rights may be affected*  
11 *by the determination.*

12 Sec. 36. K.S.A. 23-9,604 is hereby amended to read as follows: 23-  
13 9,604. (a) ~~The~~ *Except as otherwise provided in subsection (d), the law of*  
14 *the issuing state governs:*

15 (1) *The nature, extent, amount and duration of current payments and*  
16 *other obligations of support and the payment of arrearages under the*  
17 *order under a registered support order;*

18 (2) *the computation and payment of arrearages and accrual of inter-*  
19 *est on the arrearages under the support order; and*

20 (3) *the existence and satisfaction of other obligations under the sup-*  
21 *port order.*

22 (b) *In a proceeding for arrearages arrears under a registered support*  
23 *order, the statute of limitation under the laws of this state or of the issuing*  
24 *state, whichever is longer, applies.*

25 (c) *A responding tribunal of this state shall apply the procedures and*  
26 *remedies of this state to enforce current support and collect arrears and*  
27 *interest due on a support order of another state registered in this state.*

28 (d) *After a tribunal of this or another state determines which is the*  
29 *controlling order and issues an order consolidating arrears, if any, a tri-*  
30 *bunal of this state shall prospectively apply the law of the state issuing*  
31 *the controlling order, including its law on interest on arrears, on current*  
32 *and future support and on consolidated arrears.*

33 Sec. 37. K.S.A. 2003 Supp. 23-9,605 is hereby amended to read as  
34 follows: 23-9,605. (a) *When a support order or income withholding order*  
35 *issued in another state is registered, the registering tribunal shall notify*  
36 *the nonregistering party. Notice shall be only by personal service or reg-*  
37 *istered mail, return receipt requested. The notice must be accompanied*  
38 *by a copy of the registered order and the documents and relevant infor-*  
39 *mation accompanying the order.*

40 (b) ~~The~~ *A notice must inform the nonregistering party:*

41 (1) *That a registered order is enforceable as of the date of registration*  
42 *in the same manner as an order issued by a tribunal of this state;*

43 (2) *that a hearing to contest the validity or enforcement of the reg-*

1 istered order must be requested within 20 days after the date of mailing  
2 or personal service of the notice;

3 (3) that failure to contest the validity or enforcement of the registered  
4 order in a timely manner will result in confirmation of the order and  
5 enforcement of the order and the alleged arrearages and precludes fur-  
6 ther contest of that order with respect to any matter that could have been  
7 asserted; and

8 (4) of the amount of any alleged arrearages.

9 (c) *If the registering party asserts that two or more orders are in*  
10 *effect, a notice must also:*

11 (1) *Identify the two or more orders and the order alleged by the reg-*  
12 *istering person to be the controlling order and the consolidated arrears,*  
13 *if any;*

14 (2) *notify the nonregistering party of the right to a determination of*  
15 *which is the controlling order;*

16 (3) *state that the procedures provided in subsection (b) apply to the*  
17 *determination of which is the controlling order; and*

18 (4) *state that failure to contest the validity or enforcement of the order*  
19 *alleged to be the controlling order in a timely manner may result in con-*  
20 *firmation that the order is the controlling order.*

21 ~~(e)~~ (d) Upon registration of an income withholding order for enforce-  
22 ment, the registering tribunal shall notify the obligor's employer pursuant  
23 to the income withholding act, K.S.A. 23-4,105 *et seq.* and amendments  
24 thereto.

25 Sec. 38. K.S.A. 2003 Supp. 23-9,606 is hereby amended to read as  
26 follows: 23-9,606. (a) A nonregistering party seeking to contest the validity  
27 or enforcement of a registered order in this state shall request a hearing  
28 within 20 days after the date of mailing or personal service of notice of  
29 the registration. The nonregistering party may seek to vacate the regis-  
30 tration, to assert any defense to an allegation of noncompliance with the  
31 registered order, or to contest the remedies being sought or the amount  
32 of any alleged arrearages pursuant to K.S.A. 23-9,607 and amendments  
33 thereto ~~(contest of registration or enforcement).~~

34 (b) If the nonregistering party fails to contest the validity or enforce-  
35 ment of the registered order in a timely manner, the order is confirmed  
36 by operation of law.

37 (c) If a nonregistering party requests a hearing to contest the validity  
38 or enforcement of the registered order, the registering tribunal shall  
39 schedule the matter for hearing and give notice to the parties of the date,  
40 time and place of the hearing.

41 Sec. 39. K.S.A. 2003 Supp. 23-9,607 is hereby amended to read as  
42 follows: 23-9,607. (a) A party contesting the validity or enforcement of a  
43 registered order or seeking to vacate the registration has the burden of

- 1 proving one or more of the following defenses:
- 2 (1) The issuing tribunal lacked personal jurisdiction over the con-
- 3 testing party;
- 4 (2) the order was obtained by fraud;
- 5 (3) the order has been vacated, suspended or modified by a later
- 6 order;
- 7 (4) the issuing tribunal has stayed the order pending appeal;
- 8 (5) there is a defense under the law of this state to the remedy sought;
- 9 (6) full or partial payment has been made; or
- 10 (7) the statute of limitations under K.S.A. 23-9,604, and amendments
- 11 thereto (~~choice of law~~), precludes enforcement of some or all of the *al-*
- 12 *leged* arrearages; *or*
- 13 (8) *the alleged controlling order is not the controlling order.*
- 14 (b) If a party presents evidence establishing a full or partial defense
- 15 under subsection (a), a tribunal may stay enforcement of the registered
- 16 order, continue the proceeding to permit production of additional rele-
- 17 vant evidence, and issue other appropriate orders. An uncontested por-
- 18 tion of the registered order may be enforced by all remedies available
- 19 under the law of this state.
- 20 (c) If the contesting party does not establish a defense under subsec-
- 21 tion (a) to the validity or enforcement of the order, the registering tribunal
- 22 shall issue an order confirming the order.
- 23 Sec. 40. K.S.A. 2003 Supp. 23-9,610 is hereby amended to read as
- 24 follows: 23-9,610. A tribunal of this state may enforce a child support
- 25 order of another state registered for purposes of modification, in the same
- 26 manner as if the order had been issued by a tribunal of this state, but the
- 27 registered order may be modified only if the requirements of K.S.A. 23-
- 28 9,611, 23-9,613 *or* 23-9,615, and amendments thereto (~~modification of~~
- 29 ~~child support order of another state~~), have been met.
- 30 Sec. 41. K.S.A. 2003 Supp. 23-9,611 is hereby amended to read as
- 31 follows: 23-9,611. (a) ~~After~~ *If K.S.A. 23-9,613, and amendments thereto,*
- 32 *does not apply, except as otherwise provided in K.S.A. 23-9,615, and*
- 33 *amendments thereto, upon petition, a tribunal of this state may modify a*
- 34 *child support order issued in another state has been that is registered in*
- 35 *this state, the responding tribunal of this state may modify that order only*
- 36 *if K.S.A. 23-9,613 and amendments thereto does not apply and if, after*
- 37 *notice and hearing it, the tribunal finds that:*
- 38 (1) The following requirements are met:
- 39 (A) *Neither the child, the individual obligee, who is an individual,*
- 40 *and nor the obligor do not reside resides in the issuing state;*
- 41 (B) a petitioner who is a nonresident of this state seeks modification;
- 42 and
- 43 (C) the respondent is subject to the personal jurisdiction of the tri-



1 bunal of this state; or

2 (2) *this state is the state of residence of the child*; or a party who is  
 3 an individual; is subject to the personal jurisdiction of the tribunal of this  
 4 state and all of the parties who are individuals have filed ~~written~~ consents  
 5 *in a record* in the issuing tribunal for a tribunal of this state to modify  
 6 the support order and assume continuing, exclusive jurisdiction ~~over the~~  
 7 ~~order~~. However, if the issuing state is a foreign jurisdiction that has not  
 8 enacted a law or established procedures substantially similar to the pro-  
 9 cedures under this act, the consent otherwise required of an individual  
 10 residing in this state is not required for the tribunal of this state to assume  
 11 jurisdiction to modify the child support order.

12 (b) Modification of a registered child support order is subject to the  
 13 same requirements, procedures and defenses that apply to the modifi-  
 14 cation of an order issued by a tribunal of this state and the order may be  
 15 enforced and satisfied in the same manner.

16 (c) ~~▲~~ *Except as otherwise provided in K.S.A. 23-9,615, and amend-*  
 17 *ments thereto, a tribunal of this state may not modify any aspect of a child*  
 18 *support order that may not be modified under the law of the issuing state,*  
 19 *including the duration of support.* If two or more tribunals have issued  
 20 child support orders for the same obligor and *same* child, the order that  
 21 controls and must be so recognized under K.S.A. 23-9,207 and amend-  
 22 ments thereto establishes the aspects of the support order which are  
 23 nonmodifiable.

24 (d) *In a proceeding to modify a child support order, the law of the*  
 25 *state that is determined to have issued the initial controlling order governs*  
 26 *the duration of the obligation of support. The obligor's fulfillment of the*  
 27 *duty of support established by that order precludes imposition of a further*  
 28 *obligation of support by a tribunal of this state.*

29 ~~(d)~~ (e) On issuance of an order by a tribunal of this state modifying  
 30 a child support order issued in another state, ~~a~~ the tribunal of this state  
 31 becomes the tribunal of continuing, exclusive jurisdiction.

32 Sec. 42. K.S.A. 23-9,612 is hereby amended to read as follows: 23-  
 33 9,612. ~~▲~~ *If a child support order issued by a tribunal of this state shall*  
 34 *recognize a modification of its earlier child support order is modified by*  
 35 *a tribunal of another state which that assumed jurisdiction pursuant to a*  
 36 *law substantially similar to this act and, upon request, except as otherwise*  
 37 *provided in this act, shall: the uniform interstate family support act, a*  
 38 *tribunal of this state:*

39 (a) *May enforce the its order that was modified only as to amounts*  
 40 *arrear and interest accruing before the modification;*

41 (b) ~~enforce only nonmodifiable aspects of that order;~~

42 ~~—(e)~~ *may provide other appropriate relief only for violations of that its*  
 43 *order which occurred before the effective date of the modification; and*

1 ~~(d)~~ (c) shall recognize the modifying order of the other state, upon  
2 registration, for the purpose of enforcement.

3 New Sec. 43. (a) If a foreign country or political subdivision that is  
4 a state will not or may not modify its order pursuant to its laws, a tribunal  
5 of this state may assume jurisdiction to modify the child support order  
6 and bind all individuals subject to the personal jurisdiction of the tribunal  
7 whether or not the consent to modification of a child support order oth-  
8 erwise required of the individual pursuant to K.S.A. 23-9,611, and amend-  
9 ments thereto, has been given or whether the individual seeking modi-  
10 fication is a resident of this state or of the foreign country or political  
11 subdivision.

12 (b) An order issued pursuant to this section is the controlling order.

13 Sec. 44. K.S.A. 23-9,701 is hereby amended to read as follows: 23-  
14 9,701. ~~(a) A tribunal court of this state authorized to determine parentage~~  
15 ~~of a child may serve as an initiating or a responding tribunal in a pro-~~  
16 ~~ceeding to determine parentage brought under this act or a law substan-~~  
17 ~~tially similar to this act, the uniform reciprocal enforcement of support~~  
18 ~~act, or the revised uniform reciprocal enforcement of support act to de-~~  
19 ~~termine that the petitioner is a parent of a particular child or to determine~~  
20 ~~that a respondent is a parent of that child.~~

21 ~~(b) In a proceeding to determine parentage, a responding tribunal of~~  
22 ~~this state shall apply the Kansas parentage act, K.S.A. 38-1110 et seq. and~~  
23 ~~amendments thereto, and the rules of this state on choice of law.~~

24 Sec. 45. K.S.A. 2003 Supp. 23-9,801 is hereby amended to read as  
25 follows: 23-9,801. (a) For purposes of K.S.A. 23-9,801 and 23-9,802 and  
26 amendments thereto, “governor” includes an individual performing the  
27 functions of governor or the executive authority of a state covered by this  
28 act.

29 (b) The governor of this state may:

30 (1) Demand that the governor of another state surrender an individ-  
31 ual found in the other state who is charged criminally in this state with  
32 having failed to provide for the support of an obligee; or

33 (2) on the demand ~~by~~ of the governor of another state, surrender an  
34 individual found in this state who is charged criminally in the other state  
35 with having failed to provide for the support of an obligee.

36 (c) A provision for extradition of individuals not inconsistent with this  
37 act applies to the demand even if the individual whose surrender is de-  
38 manded was not in the demanding state when the crime was allegedly  
39 committed and has not fled therefrom.

40 Sec. 46. K.S.A. 23-9,802 is hereby amended to read as follows: 23-  
41 9,802. (a) Before making a demand that the governor of another state  
42 surrender an individual charged criminally in this state with having failed  
43 to provide for the support of an obligee, the governor of this state may

1 require a prosecutor of this state to demonstrate that at least 60 days  
2 previously the obligee had initiated proceedings for support pursuant to  
3 this act or that the proceeding would be of no avail.

4 (b) If, under this act or a law substantially similar to this act, ~~the~~  
5 ~~uniform reciprocal enforcement of support act, or the revised uniform~~  
6 ~~reciprocal enforcement of support act,~~ the governor of another state  
7 makes a demand that the governor of this state surrender an individual  
8 charged criminally in that state with having failed to provide for the sup-  
9 port of a child or other individual to whom a duty of support is owed, the  
10 governor may require a prosecutor to investigate the demand and report  
11 whether a proceeding for support has been initiated or would be effective.  
12 If it appears that a proceeding would be effective but has not been ini-  
13 tiated, the governor may delay honoring the demand for a reasonable  
14 time to permit the initiation of a proceeding.

15 (c) If a proceeding for support has been initiated and the individual  
16 whose rendition is demanded prevails, the governor may decline to honor  
17 the demand. If the petitioner prevails and the individual whose rendition  
18 is demanded is subject to a support order, the governor may decline to  
19 honor the demand if the individual is complying with the support order.

20 Sec. 47. K.S.A. 23-9,901 is hereby amended to read as follows: 23-  
21 9,901. ~~This act shall be applied and construed to effectuate its general~~  
22 ~~purpose to make uniform~~ *In applying and construing this uniform act,*  
23 *consideration must be given to the need to promote uniformity of the law*  
24 *with respect to ~~the~~ its subject of this act matter among states enacting*  
25 *that enact it.*

26 Sec. 48. K.S.A. 23-9,102, 23-9,103, 23-9,201, 23-9,208, 23-9,209, 23-  
27 9,303, 23-9,308, 23-9,310, 23-9,312, 23-9,314, 23-9,316, 23-9,317, 23-  
28 9,319, 23-9,602, 23-9,604, 23-9,612, 23-9,701, 23-9,802, 23-9,901 and 23-  
29 9,902 and K.S.A. 2003 Supp. 23-9,101, 23-9,202, 23-9,205, 23-9,206,  
30 23-9,207, 23-9,301, 23-9,304, 23-9,305, 23-9,306, 23-9,307, 23-9,311, 23-  
31 9,313, 23-9,401, 23-9,501, 23-9,502, 23-9,503, 23-9,506, 23-9,507, 23-  
32 9,605, 23-9,606, 23-9,607, 23-9,610, 23-9,611 and 23-9,801 are hereby  
33 repealed.

34 Sec. 49. This act shall take effect and be in force from and after its  
35 publication in the statute book.