

IN THE SENATE

SENATE BILL NO. 1230

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO FILING OF FOREIGN JUDGMENTS; AMENDING SECTION 10-1302, IDAHO CODE, TO REVISE WHERE COPIES OF FOREIGN JUDGMENTS SHALL BE FILED AND TO MAKE A TECHNICAL CORRECTION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 10-1302, Idaho Code, be, and the same is hereby amended to read as follows:

10-1302. FILING OF FOREIGN JUDGMENT WITH CLERK OF DISTRICT COURT -- EFFECT OF FILING. A copy of any foreign judgment certified in accordance with the act of congress or the statutes of this state ~~may~~ shall be filed in the office of the clerk of ~~any the~~ the district court of ~~any the~~ the county of ~~this state~~ residence of a person or persons or domicile of an entity to whom the foreign judgment applies. If such residence or domicile cannot be reasonably determined, the foreign judgment may be filed in the district court of any county in the state. The clerk shall treat the foreign judgment in the same manner as a judgment of the district court of this state. A judgment so filed has the same effect and is subject to the same procedures, defenses and proceedings for reopening, vacating, or staying as a judgment of a district court of this state and may be enforced or satisfied in like manner, with the following exceptions:

(1) The terms of a judgment providing for the custody of a minor child may not be modified, vacated, reopened nor stayed unless the court has assumed jurisdiction of the case under the uniform child custody jurisdiction and enforcement act, chapter 11, title 32, Idaho Code.

(2) The terms of a judgment providing for the support of a minor child may not be modified, vacated, reopened nor stayed unless the court has personal jurisdiction over all the parties; and the registration of a judgment providing for the support of a minor child for the purposes of enforcing that judgment shall not constitute submitting to the personal jurisdiction of the court.