

IN THE SENATE

SENATE BILL NO. 1067

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO THE UNIFORM INTERSTATE FAMILY SUPPORT ACT; AMENDING SECTION  
2 7-1002, IDAHO CODE, TO REVISE DEFINITIONS, TO DEFINE TERMS AND TO PRO-  
3 VIDE CONSISTENT LANGUAGE; AMENDING SECTION 7-1003, IDAHO CODE, TO  
4 REVISE TERMINOLOGY AND TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND WEL-  
5 FARE IS THE SUPPORT ENFORCEMENT AGENCY; AMENDING SECTION 7-1004, IDAHO  
6 CODE, TO REVISE TERMINOLOGY; AMENDING CHAPTER 10, TITLE 7, IDAHO CODE,  
7 BY THE ADDITION OF A NEW SECTION 7-1004A, IDAHO CODE, TO PROVIDE FOR THE  
8 APPLICATION OF THE CHAPTER TO RESIDENT OF FOREIGN COUNTRY AND FOREIGN  
9 SUPPORT PROCEEDINGS; AMENDING SECTION 7-1005, IDAHO CODE, TO REVISE  
10 TERMINOLOGY, TO REVISE A CODE REFERENCE AND TO PROVIDE CONSISTENT LAN-  
11 GUAGE; AMENDING SECTION 7-1007, IDAHO CODE, TO REVISE TERMINOLOGY AND  
12 TO PROVIDE REFERENCE TO A FOREIGN COUNTRY; AMENDING SECTION 7-1008,  
13 IDAHO CODE, TO PROVIDE REFERENCE TO A FOREIGN COUNTRY; AMENDING SECTION  
14 7-1010, IDAHO CODE, TO REVISE TERMINOLOGY AND TO PROVIDE CONSISTENT  
15 LANGUAGE; AMENDING SECTION 7-1011, IDAHO CODE, TO REVISE TERMINOLOGY,  
16 TO PROVIDE REFERENCE TO A FOREIGN COUNTRY, TO REVISE A PROVISION RELAT-  
17 ING TO RECOGNITION OF A CHILD-SUPPORT ORDER, TO REVISE A CODE REFERENCE  
18 AND TO PROVIDE CONSISTENT LANGUAGE; AMENDING SECTION 7-1012, IDAHO  
19 CODE, TO PROVIDE REFERENCE TO A FOREIGN COUNTRY AND TO PROVIDE CONSIS-  
20 TENT LANGUAGE; AMENDING SECTION 7-1013, IDAHO CODE, TO REVISE TERMINOL-  
21 OGY, TO PROVIDE REFERENCE TO A FOREIGN COUNTRY AND TO PROVIDE CONSISTENT  
22 LANGUAGE; AMENDING SECTION 7-1014, IDAHO CODE, TO REVISE TERMINOLOGY;  
23 AMENDING SECTION 7-1015, IDAHO CODE, TO PROVIDE REFERENCE TO A FOREIGN  
24 COUNTRY; AMENDING SECTION 7-1016, IDAHO CODE, TO PROVIDE REFERENCE TO  
25 A FOREIGN COUNTRY; AMENDING SECTION 7-1019, IDAHO CODE, TO REVISE TER-  
26 MINOLOGY AND TO REMOVE REFERENCE TO A POLITICAL SUBDIVISION; AMENDING  
27 SECTION 7-1020, IDAHO CODE, TO REVISE TERMINOLOGY, TO PROVIDE REFERENCE  
28 TO ELECTRONIC MAIL AND TO PROVIDE CONSISTENT LANGUAGE; AMENDING SECTION  
29 7-1021, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 7-1022,  
30 IDAHO CODE, TO REVISE TERMINOLOGY, TO PROVIDE REFERENCE TO A FOREIGN  
31 COUNTRY AND TO PROVIDE CONSISTENT LANGUAGE; AMENDING SECTION 7-1023,  
32 IDAHO CODE, TO REMOVE REFERENCE TO A POLITICAL SUBDIVISION; AMEND-  
33 ING SECTION 7-1025, IDAHO CODE, TO REVISE TERMINOLOGY AND TO PROVIDE  
34 REFERENCE TO A FOREIGN COUNTRY; AMENDING SECTION 7-1026, IDAHO CODE,  
35 TO REVISE TERMINOLOGY AND TO PROVIDE REFERENCE TO A FOREIGN COUNTRY;  
36 AMENDING SECTION 7-1028, IDAHO CODE, TO REVISE TERMINOLOGY, TO PROVIDE  
37 REFERENCE TO A FOREIGN COUNTRY AND TO REVISE A CODE REFERENCE; AMENDING  
38 SECTION 7-1031, IDAHO CODE, TO REVISE TERMINOLOGY, TO PROVIDE REFER-  
39 ENCE TO ELECTRONIC COMMUNICATION AND TO PROVIDE CONSISTENT LANGUAGE;  
40 AMENDING SECTION 7-1032, IDAHO CODE, TO REVISE TERMINOLOGY AND TO PRO-  
41 VIDE REFERENCE TO ELECTRONIC COMMUNICATION; AMENDING SECTION 7-1033,  
42 IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 7-1034, IDAHO CODE,  
43 TO PROVIDE REFERENCE TO A FOREIGN COUNTRY; AMENDING SECTION 7-1035,  
44 IDAHO CODE, TO PROVIDE FOR PERSONAL JURISDICTION OVER THE PARTIES WHEN  
45

1 A TRIBUNAL ESTABLISHES A SUPPORT ORDER IN THIS STATE, TO PROVIDE A CODE  
2 REFERENCE, TO REVISE TERMINOLOGY AND TO PROVIDE CONSISTENT LANGUAGE;  
3 AMENDING CHAPTER 10, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW  
4 SECTION 7-1035A, IDAHO CODE, TO PROVIDE FOR A PROCEEDING TO DETERMINE  
5 PARENTAGE; AMENDING SECTION 7-1039, IDAHO CODE, TO REVISE TERMINOLOGY;  
6 AMENDING SECTION 7-1040, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING  
7 SECTION 7-1042, IDAHO CODE, TO REVISE TERMINOLOGY AND TO PROVIDE REFER-  
8 ENCE TO A FOREIGN SUPPORT ORDER; AMENDING SECTION 7-1043, IDAHO CODE, TO  
9 REVISE TERMINOLOGY AND TO PROVIDE REFERENCE TO A FOREIGN SUPPORT ORDER;  
10 AMENDING SECTION 7-1044, IDAHO CODE, TO PROVIDE A CODE REFERENCE, TO  
11 PROVIDE REFERENCE TO A FOREIGN SUPPORT ORDER, TO REVISE TERMINOLOGY AND  
12 TO PROVIDE CONSISTENT LANGUAGE; AMENDING SECTION 7-1045, IDAHO CODE,  
13 TO PROVIDE REFERENCE TO A FOREIGN SUPPORT ORDER AND A FOREIGN COUNTRY,  
14 TO REVISE TERMINOLOGY AND TO PROVIDE A CORRECT CODE REFERENCE; AMENDING  
15 SECTION 7-1046, IDAHO CODE, TO PROVIDE REFERENCE TO A FOREIGN COUNTRY;  
16 AMENDING SECTION 7-1047, IDAHO CODE, TO PROVIDE REFERENCE TO A FOREIGN  
17 SUPPORT ORDER, TO REVISE TERMINOLOGY, TO PROVIDE A CODE REFERENCE, TO  
18 PROVIDE THAT THE SUPPORT ENFORCEMENT AGENCY SHALL NOTIFY AN OBLIGOR'S  
19 EMPLOYER UPON REGISTRATION OF AN INCOME-WITHHOLDING ORDER AND TO PRO-  
20 VIDE CONSISTENT LANGUAGE; AMENDING SECTION 7-1048, IDAHO CODE, TO  
21 REVISE TERMINOLOGY, TO REMOVE REFERENCE TO A DEADLINE AND TO PROVIDE  
22 A CODE REFERENCE; AMENDING SECTION 7-1049, IDAHO CODE, TO REVISE TER-  
23 MINOLOGY AND TO PROVIDE CONSISTENT LANGUAGE; AMENDING SECTION 7-1050,  
24 IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 7-1051, IDAHO  
25 CODE, TO REVISE A CODE REFERENCE AND TO PROVIDE CONSISTENT LANGUAGE;  
26 AMENDING SECTION 7-1052, IDAHO CODE, TO REVISE TERMINOLOGY, TO REVISE  
27 A CODE REFERENCE AND TO PROVIDE CONSISTENT LANGUAGE; AMENDING SECTION  
28 7-1053, IDAHO CODE, TO REMOVE CODE REFERENCES, TO REVISE TERMINOLOGY,  
29 TO PROVIDE THAT A TRIBUNAL OF THIS STATE RETAINS JURISDICTION TO MODIFY  
30 AN ORDER UNDER CERTAIN CONDITIONS AND TO PROVIDE CONSISTENT LANGUAGE;  
31 AMENDING SECTION 7-1055, IDAHO CODE, TO PROVIDE A CORRECT CODE REFER-  
32 ENCE AND TO PROVIDE CONSISTENT LANGUAGE; AMENDING SECTION 7-1057, IDAHO  
33 CODE, TO REMOVE REFERENCE TO POLITICAL SUBDIVISIONS, TO PROVIDE A CODE  
34 REFERENCE, TO REVISE LANGUAGE REGARDING A FOREIGN COUNTRY THAT DOES NOT  
35 MODIFY ITS CHILD-SUPPORT ORDER, TO CLARIFY LANGUAGE REGARDING AN ORDER  
36 ISSUED AND TO PROVIDE CONSISTENT LANGUAGE; REPEALING SECTION 7-1058,  
37 IDAHO CODE, RELATING TO PROCEEDING TO DETERMINE PARENTAGE; AMENDING  
38 CHAPTER 10, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-1058,  
39 IDAHO CODE, TO PROVIDE A PROCEDURE TO REGISTER A CHILD-SUPPORT ORDER OF  
40 A FOREIGN COUNTRY FOR MODIFICATION; AMENDING CHAPTER 10, TITLE 7, IDAHO  
41 CODE, BY THE ADDITION OF A NEW SECTION 7-1059, IDAHO CODE, TO DEFINE  
42 TERMS; AMENDING CHAPTER 10, TITLE 7, IDAHO CODE, BY THE ADDITION OF A  
43 NEW SECTION 7-1060, IDAHO CODE, TO PROVIDE FOR APPLICABILITY; AMENDING  
44 CHAPTER 10, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-1061,  
45 IDAHO CODE, TO PROVIDE FOR THE RELATIONSHIP OF THE DEPARTMENT OF HEALTH  
46 AND WELFARE TO THE UNITED STATES CENTRAL AUTHORITY; AMENDING CHAPTER  
47 10, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-1062, IDAHO  
48 CODE, TO PROVIDE FOR AN INITIATION OF A SUPPORT PROCEEDING BY THE DE-  
49 PARTMENT OF HEALTH AND WELFARE UNDER THE CONVENTION; AMENDING CHAPTER  
50 10, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-1063, IDAHO

1 CODE, TO PROVIDE FOR A DIRECT REQUEST REGARDING SUPPORT ORDERS, SUPPORT  
 2 AGREEMENTS OR DETERMINATION OF PARENTAGE; AMENDING CHAPTER 10, TITLE  
 3 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-1064, IDAHO CODE, TO  
 4 PROVIDE FOR THE REGISTRATION OF A CONVENTION SUPPORT ORDER; AMENDING  
 5 CHAPTER 10, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-1065,  
 6 IDAHO CODE, TO PROVIDE FOR THE CONTEST OF A REGISTERED CONVENTION SUP-  
 7 PORT ORDER; AMENDING CHAPTER 10, TITLE 7, IDAHO CODE, BY THE ADDITION  
 8 OF A NEW SECTION 7-1066, IDAHO CODE, TO PROVIDE FOR THE RECOGNITION AND  
 9 ENFORCEMENT OF A REGISTERED CONVENTION SUPPORT ORDER; AMENDING CHAPTER  
 10 10, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-1067, IDAHO  
 11 CODE, TO PROVIDE FOR PARTIAL ENFORCEMENT OF A CONVENTION SUPPORT OR-  
 12 DER; AMENDING CHAPTER 10, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW  
 13 SECTION 7-1068, IDAHO CODE, TO PROVIDE FOR FOREIGN SUPPORT AGREEMENTS;  
 14 AMENDING CHAPTER 10, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SEC-  
 15 TION 7-1069, IDAHO CODE, TO PROVIDE FOR THE MODIFICATION OF A CONVENTION  
 16 CHILD-SUPPORT ORDER; AMENDING CHAPTER 10, TITLE 7, IDAHO CODE, BY THE  
 17 ADDITION OF A NEW SECTION 7-1070, IDAHO CODE, TO PROVIDE A LIMITATION  
 18 ON THE USE OF PERSONAL INFORMATION; AMENDING CHAPTER 10, TITLE 7, IDAHO  
 19 CODE, BY THE ADDITION OF A NEW SECTION 7-1071, IDAHO CODE, TO PROVIDE  
 20 FOR THE ORIGINAL LANGUAGE AND ENGLISH TRANSLATION FOR CERTAIN RECORDS;  
 21 AMENDING SECTION 7-1059, IDAHO CODE, TO REDESIGNATE THE SECTION AND  
 22 TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTION 7-1060, IDAHO  
 23 CODE, TO REDESIGNATE THE SECTION AND TO PROVIDE CONSISTENT LANGUAGE;  
 24 AMENDING SECTION 7-1061, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO  
 25 REVISE TERMINOLOGY; AMENDING CHAPTER 10, TITLE 7, IDAHO CODE, BY THE  
 26 ADDITION OF A NEW SECTION 7-1075, IDAHO CODE, TO PROVIDE A TRANSITIONAL  
 27 PROVISION; AND AMENDING SECTION 7-1062, IDAHO CODE, TO REDESIGNATE THE  
 28 SECTION.

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

30 SECTION 1. That Section 7-1002, Idaho Code, be, and the same is hereby  
 31 amended to read as follows:

32 7-1002. DEFINITIONS. In this chapter:

33 (1) "Child" means an individual, whether over or under the age of major-  
 34 ity, who is or is alleged to be owed a duty of support by the individual's par-  
 35 ent or who is or is alleged to be the beneficiary of a support order directed  
 36 to the parent.

37 (2) "Child\_support order" means a support order for a child, includ-  
 38 ing a child who has attained the age of majority under the law of the issuing  
 39 state or foreign country.

40 (3) "Convention" means the Convention on the International Recovery of  
 41 Child Support and Other Forms of Family Maintenance, concluded at The Hague  
 42 on November 23, 2007.

43 (4) "Duty of support" means an obligation imposed or imposable by law to  
 44 provide support for a child, spouse, or former spouse, including an unsatis-  
 45 fied obligation to provide support.

46 (5) "Foreign country" means a country, including a political subdivi-  
 47 sion thereof, other than the United States, that authorizes the issuance of  
 48 support orders and:

1 (a) Which has been declared under the law of the United States to be a  
 2 foreign reciprocating country;

3 (b) Which has established a reciprocal arrangement for child support  
 4 with this state as provided in section 7-1023, Idaho Code;

5 (c) Which has enacted a law or established procedures for the issuance  
 6 and enforcement of support orders which are substantially similar to  
 7 the procedures under this chapter; or

8 (d) In which the convention is in force with respect to the United  
 9 States.

10 (6) "Foreign support order" means a support order of a foreign tri-  
 11 bunal.

12 (7) "Foreign tribunal" means a court, administrative agency or quasi-  
 13 judicial entity of a foreign country which is authorized to establish, en-  
 14 force or modify support orders or to determine parentage of a child. The term  
 15 includes a competent authority under the convention.

16 (48) "Home state" means the state or foreign country in which a child  
 17 lived with a parent or a person acting as parent for at least six (6) consec-  
 18 utive months immediately preceding the time of filing of a petition or com-  
 19 parable pleading for support and, if a child is less than six (6) months old,  
 20 the state or foreign country in which the child lived from birth with any of  
 21 them. A period of temporary absence of any of them is counted as part of the  
 22 six (6) month or other period.

23 (59) "Income" includes earnings or other periodic entitlements to  
 24 money from any source and any other property subject to withholding for sup-  
 25 port under the law of this state.

26 (610) "Income-withholding order" means an order or other legal process  
 27 directed to an obligor's employer or other debtor, as defined by chapter 12,  
 28 title 32, Idaho Code, to withhold support from the income of the obligor.

29 ~~(7) "Initiating state" means a state from which a proceeding is for-~~  
 30 ~~warded or in which a proceeding is filed for forwarding to a responding state~~  
 31 ~~under this chapter or a law or procedure substantially similar to this chap-~~  
 32 ~~ter.~~

33 ~~(811) "Initiating tribunal" means the authorized tribunal in an ini-~~  
 34 ~~tiating of a state or foreign country from which a petition or comparable~~  
 35 ~~pleading is forwarded or in which a petition or comparable pleading is filed~~  
 36 ~~for forwarding to another state or foreign country.~~

37 (12) "Issuing foreign country" means the foreign country in which a tri-  
 38 bunal issues a support order or a judgment determining parentage of a child.

39 (913) "Issuing state" means the state in which a tribunal issues a sup-  
 40 port order or ~~renders~~ a judgment determining parentage of a child.

41 (104) "Issuing tribunal" means the tribunal of a state or foreign coun-  
 42 try that issues a support order or ~~renders~~ a judgment determining parentage  
 43 of a child.

44 (145) "Law" includes decisional and statutory law and rules and regula-  
 45 tions having the force of law.

46 (126) "Obligee" means:

47 (a) An individual to whom a duty of support is or is alleged to be owed or  
 48 in whose favor a support order ~~has been issued~~ or a judgment determining  
 49 parentage of a child ~~has been rendered~~ issued;

1 (b) A foreign country, state or political subdivision of a state to  
 2 which the rights under a duty of support or support order have been as-  
 3 signed or which has independent claims based on financial assistance  
 4 provided to an individual obligee in place of child support; or

5 (c) An individual seeking a judgment determining parentage of the indi-  
 6 vidual's child; or

7 (d) A person that is a creditor in a proceeding under sections 7-1058  
 8 through 7-1071, Idaho Code.

9 (137) "Obligor" means an individual, or the estate of a decedent that:

10 (a) ~~Who~~ Owes or is alleged to owe a duty of support;

11 (b) ~~Who~~ is alleged but has not been adjudicated to be a parent of a  
 12 child; ~~or~~

13 (c) ~~Who~~ is liable under a support order; or

14 (d) Is a debtor in a proceeding under sections 7-1058 through 7-1071,  
 15 Idaho Code.

16 (18) "Outside this state" means a location in another state or a country  
 17 other than the United States, whether or not the country is a foreign coun-  
 18 try.

19 (149) "Person" means an individual, corporation, business trust, es-  
 20 tate, trust, partnership, limited liability company, association, joint  
 21 venture, public corporation, government, or governmental subdivision,  
 22 agency, or instrumentality, public corporation, or any other legal or com-  
 23 mercial entity.

24 (1520) "Record" means information that is inscribed on a tangible  
 25 medium or that is stored in an electronic or other medium and is retrievable  
 26 in perceivable form.

27 (1621) "Register" means to record in a tribunal of this state a support  
 28 order or judgment determining parentage ~~in the district court~~ of a child is-  
 29 sued in another state or a foreign country.

30 (1722) "Registering tribunal" means a tribunal in which a support order  
 31 or judgment determining parentage of a child is registered.

32 (1823) "Responding state" means a state in which a proceeding petition  
 33 or comparable pleading for support or to determine parentage of a child is  
 34 filed or to which a proceeding petition or comparable pleading is forwarded  
 35 for filing from an initiating another state under this chapter or a law or  
 36 procedure substantially similar to this chapter or a foreign country.

37 (1924) "Responding tribunal" means the authorized tribunal in a re-  
 38 sponding state or foreign country.

39 (205) "Spousal-support order" means a support order for a spouse or for-  
 40 mer spouse of the obligor.

41 (216) "State" means a state of the United States, the District of Colum-  
 42 bia, Puerto Rico, the United States Virgin Islands, or any territory or in-  
 43 sular possession ~~subject to~~ under the jurisdiction of the United States. The  
 44 term "state" includes:

45 (a) ~~An Indian nation or tribe; and~~

46 (b) A foreign country or political subdivision that:

47 (i) ~~Has been declared to be a foreign reciprocating country or~~  
 48 ~~political subdivision under federal law;~~

49 (ii) ~~Has established a reciprocal arrangement for child support~~  
 50 ~~with this state as provided in section 7-1023, Idaho Code; or~~

1           ~~(iii) Has enacted a law or established procedures for the issuance~~  
 2           ~~and enforcement of support orders which are substantially similar~~  
 3           ~~to the procedures under this chapter.~~

4           (227) "Support enforcement agency" means a public official, governmen-  
 5           tal entity or private agency authorized to seek:

6           (a) ~~Seek e~~Enforcement of support orders or laws relating to the duty of  
 7           support;

8           (b) ~~Seek e~~Establishment or modification of child support;

9           (c) ~~Request d~~Determination of parentage of a child;

10          (d) ~~Location of~~ Attempt to locate obligors or their assets; or

11          (e) ~~Request d~~Determination of the controlling child-support order.

12          (238) "Support order" means a judgment, decree, order, decision or di-  
 13          rective, whether temporary, final, or subject to modification, issued by a  
 14          ~~tribunal in a state or foreign country~~ for the benefit of a child, a spouse,  
 15          or a former spouse, which provides for monetary support, health care,  
 16          arrearages, retroactive support or reimbursement, and for financial assis-  
 17          tance provided to an individual obligee in place of child support. The term  
 18          may include related costs and fees, interest, income withholding, automatic  
 19          adjustment, reasonable attorney's fees, and other relief.

20          (249) "Tribunal" means a court, administrative agency, or quasi-judi-  
 21          cial entity authorized to establish, enforce, or modify support orders or to  
 22          determine parentage of a child.

23          SECTION 2. That Section 7-1003, Idaho Code, be, and the same is hereby  
 24          amended to read as follows:

25          7-1003. STATE TRIBUNALS OF THIS STATE AND SUPPORT ENFORCEMENT  
 26          AGENCY. (1) The district courts are the tribunals of this state.

27          (2) The Idaho department of health and welfare is the support enforce-  
 28          ment agency of this state.

29          SECTION 3. That Section 7-1004, Idaho Code, be, and the same is hereby  
 30          amended to read as follows:

31          7-1004. REMEDIES CUMULATIVE. (1) Remedies provided by this chapter  
 32          are cumulative and do not affect the availability of remedies under other  
 33          law, ~~including or~~ the recognition of a foreign support order ~~of a foreign~~  
 34          ~~country or political subdivision~~ on the basis of comity.

35          (2) This chapter does not:

36          (a) Provide the exclusive method of establishing or enforcing a support  
 37          order under the law of this state; or

38          (b) Grant a tribunal of this state jurisdiction to render judgment or  
 39          issue an order relating to child custody or visitation in a proceeding  
 40          under this chapter.

41          SECTION 4. That Chapter 10, Title 7, Idaho Code, be, and the same is  
 42          hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
 43          ignated as Section 7-1004A, Idaho Code, and to read as follows:

44          7-1004A. APPLICATION OF CHAPTER TO RESIDENT OF FOREIGN COUNTRY AND  
 45          FOREIGN SUPPORT PROCEEDING. (1) A tribunal of this state shall apply sec-

1 tions 7-1001 through 7-1058, Idaho Code, and, as applicable, sections 7-1059  
2 through 7-1071, Idaho Code, to a support proceeding involving:

- 3 (a) A foreign support order;  
4 (b) A foreign tribunal; or  
5 (c) An obligee, obligor or child residing in a foreign country.  
6 (2) A tribunal of this state that is requested to recognize and enforce  
7 a support order on the basis of comity may apply the procedural and substan-  
8 tive provisions of sections 7-1001 through 7-1058, Idaho Code.  
9 (3) Sections 7-1059 through 7-1071, Idaho Code, apply only to a support  
10 proceeding under the convention. In such a proceeding, if a provision of  
11 sections 7-1059 through 7-1071, Idaho Code, is inconsistent with sections  
12 7-1001 through 7-1058, Idaho Code, then sections 7-1059 through 7-1071,  
13 Idaho Code, control.

14 SECTION 5. That Section 7-1005, Idaho Code, be, and the same is hereby  
15 amended to read as follows:

16 7-1005. BASES FOR JURISDICTION OVER NONRESIDENT. (1) In a proceeding  
17 to establish or enforce a support order or to determine parentage of a child,  
18 a tribunal of this state may exercise personal jurisdiction over a nonresi-  
19 dent individual or the individual's guardian or conservator if:

- 20 (a) The individual is personally served with notice within this state;  
21 (b) The individual submits to the jurisdiction of this state by consent  
22 in a record, by entering a general appearance, or by filing a responsive  
23 document having the effect of waiving any contest to personal jurisdic-  
24 tion;  
25 (c) The individual resided with the child in this state;  
26 (d) The individual resided in this state and provided prenatal expenses  
27 or support for the child;  
28 (e) The child resides in this state as a result of the acts or directives  
29 of the individual;  
30 (f) The individual engaged in sexual intercourse in this state and the  
31 child may have been conceived by that act of intercourse;  
32 (g) The individual asserted parentage of a child in the registry main-  
33 tained in this state by the vital statistics unit of the department of  
34 health and welfare provided in section 16-1513, Idaho Code; or  
35 (h) There is any other basis consistent with the constitutions of this  
36 state and the United States for the exercise of personal jurisdiction.

37 (2) The bases of personal jurisdiction set forth in subsection (1) of  
38 this section or in any other law of this state may not be used to acquire per-  
39 sonal jurisdiction for a tribunal of the state to modify a child-support or-  
40 der of another state unless the requirements of section 7-1053 ~~or 7-1057~~,  
41 Idaho Code, are met, or in the case of a foreign support order, unless the re-  
42 quirements of section 7-1057, Idaho Code, are met.

43 SECTION 6. That Section 7-1007, Idaho Code, be, and the same is hereby  
44 amended to read as follows:

45 7-1007. INITIATING AND RESPONDING TRIBUNAL OF ~~THIS~~ STATE. Under this  
46 chapter, a tribunal of this state may serve as an initiating tribunal to for-

1 ward proceedings to a tribunal of another state and as a responding tribunal  
2 for proceedings initiated in another state or foreign country.

3 SECTION 7. That Section 7-1008, Idaho Code, be, and the same is hereby  
4 amended to read as follows:

5 7-1008. SIMULTANEOUS PROCEEDINGS. (1) A tribunal of this state may ex-  
6 ercise jurisdiction to establish a support order if the petition or compar-  
7 able pleading is filed after a pleading is filed in another state or a foreign  
8 country only if:

9 (a) The petition or comparable pleading in this state is filed before  
10 the expiration of the time allowed in the other state or the foreign  
11 country for filing a responsive pleading challenging the exercise of  
12 jurisdiction by the other state or the foreign country;

13 (b) The contesting party timely challenges the exercise of jurisdic-  
14 tion in the other state or the foreign country; and

15 (c) If relevant, this state is the home state of the child.

16 (2) A tribunal of this state may not exercise jurisdiction to establish  
17 a support order if the petition or comparable pleading is filed before a pe-  
18 tition or comparable pleading is filed in another state or a foreign country  
19 if:

20 (a) The petition or comparable pleading in the other state or foreign  
21 country is filed before the expiration of the time allowed in this state  
22 for filing a responsive pleading challenging the exercise of jurisdic-  
23 tion by this state;

24 (b) The contesting party timely challenges the exercise of jurisdic-  
25 tion in this state; and

26 (c) If relevant, the other state or foreign country is the home state of  
27 the child.

28 SECTION 8. That Section 7-1010, Idaho Code, be, and the same is hereby  
29 amended to read as follows:

30 7-1010. CONTINUING JURISDICTION TO ENFORCE CHILD-SUPPORT ORDER. (1) A  
31 tribunal of this state that has issued a child-support order consistent with  
32 the law of this state may serve as an initiating tribunal to request a tri-  
33 bunal of another state to enforce:

34 (a) The order if the order is the controlling order and has not been mod-  
35 ified by a tribunal of another state that assumed jurisdiction pursuant  
36 to ~~this chapter~~ the uniform interstate family support act; or

37 (b) A money judgment for arrears of support and interest on the order  
38 accrued before a determination that an order of a tribunal of another  
39 state is the controlling order.

40 (2) A tribunal of this state having continuing jurisdiction over a sup-  
41 port order may act as a responding tribunal to enforce the order.

42 SECTION 9. That Section 7-1011, Idaho Code, be, and the same is hereby  
43 amended to read as follows:

44 7-1011. DETERMINATION OF CONTROLLING CHILD-SUPPORT ORDER. (1) If a  
45 proceeding is brought under this chapter and only one ~~(1)~~ tribunal has issued



1 a child-support order, the order of that tribunal controls and must be so  
2 recognized.

3 (2) If a proceeding is brought under this chapter, and two ~~(2)~~ or more  
4 child-support orders have been issued by tribunals of this state, ~~or~~ another  
5 state or a foreign country with regard to the same obligor and same child,  
6 a tribunal of this state having personal jurisdiction over both the obligor  
7 and individual obligee shall apply the following rules and by order shall de-  
8 termine which order controls and must be recognized:

9 (a) If only one ~~(1)~~ of the tribunals would have continuing, exclusive  
10 jurisdiction under this chapter, the order of that tribunal controls  
11 ~~and must be so recognized;~~

12 (b) If more than one ~~(1)~~ of the tribunals would have continuing, exclu-  
13 sive jurisdiction under this chapter:

14 (i) An order issued by a tribunal in the current home state of the  
15 child controls, ~~but; or~~

16 (ii) If an order has not been issued in the current home state of  
17 the child, the order most recently issued controls;

18 (c) If none of the tribunals would have continuing, exclusive jurisdic-  
19 tion under this chapter, the tribunal of this state shall issue a child-  
20 support order, which controls.

21 (3) If two ~~(2)~~ or more child-support orders have been issued for the  
22 same obligor and same child, upon request of a party who is an individual or  
23 that is a support enforcement agency, a tribunal of this state having per-  
24 sonal jurisdiction over both the obligor and the obligee who is an individual  
25 shall determine which order controls under subsection (2) of this section.  
26 The request may be filed with a registration for enforcement or registration  
27 for modification pursuant to sections 7-1043 through 7-1057~~8~~, Idaho Code, or  
28 may be filed as a separate proceeding.

29 (4) A request to determine which is the controlling order must be ac-  
30 companied by a copy of every child-support order in effect and the applicable  
31 record of payments. The requesting party shall give notice of the request to  
32 each party whose rights may be affected by the determination.

33 (5) The tribunal that issued the controlling order under subsection  
34 (1), (2) or (3) of this section has continuing jurisdiction to the extent  
35 provided in section 7-1009 or 7-1010, Idaho Code.

36 (6) A tribunal of this state that determines by order which is the con-  
37 trolling order under subsections (2) (a) or (2) (b) or (3) of this section or  
38 that issues a new controlling order under subsection (2) (c) of this section,  
39 shall state in that order:

40 (a) The basis upon which the tribunal made its determination;

41 (b) The amount of prospective support, if any; and

42 (c) The total amount of consolidated arrears and accrued interest, if  
43 any, under all of the orders after all payments made are credited as pro-  
44 vided in section 7-1013, Idaho Code.

45 (7) Within ~~thirty~~ ~~(30)~~ days after issuance of an order determining  
46 which is the controlling order, the party obtaining the order shall file a  
47 certified copy of it in each tribunal that issued or registered an earlier  
48 order of child support. A party or support enforcement agency obtaining the  
49 order that fails to file a certified copy is subject to appropriate sanctions  
50 by a tribunal in which the issue of failure to file arises. The failure to

1 file does not affect the validity or enforceability of the controlling or-  
2 der.

3 (8) An order that has been determined to be the controlling order, or a  
4 judgment for consolidated arrears of support and interest, if any, made pur-  
5 suant to this section must be recognized in proceedings under this chapter.

6 SECTION 10. That Section 7-1012, Idaho Code, be, and the same is hereby  
7 amended to read as follows:

8 7-1012. CHILD-SUPPORT ORDERS FOR TWO OR MORE OBLIGEEES. In responding  
9 to registrations or petitions for enforcement of two ~~(2)~~ or more child-sup-  
10 port orders in effect at the same time with regard to the same obligor and  
11 different individual obligees, at least one ~~(1)~~ of which was issued by a tri-  
12 bunal of another state or a foreign country, a tribunal of this state shall  
13 enforce those orders in the same manner as if the orders had been issued by a  
14 tribunal of this state.

15 SECTION 11. That Section 7-1013, Idaho Code, be, and the same is hereby  
16 amended to read as follows:

17 7-1013. CREDIT FOR PAYMENTS. A tribunal of this state shall credit  
18 amounts collected for a particular period pursuant to any child-support  
19 order against the amounts owed for the same period under any other child-sup-  
20 port order for support of the same child issued by a tribunal of this ~~or~~  
21 state, another state or a foreign country.

22 SECTION 12. That Section 7-1014, Idaho Code, be, and the same is hereby  
23 amended to read as follows:

24 7-1014. APPLICATION OF CHAPTER TO NONRESIDENT SUBJECT TO PERSONAL JU-  
25 RISDICTION. A tribunal of this state exercising personal jurisdiction over  
26 a nonresident in a proceeding under this chapter, under other law of this  
27 state relating to a support order, or recognizing a foreign support order  
28 ~~of a foreign country or political subdivision on the basis of comity~~ may re-  
29 ceive evidence from another outside this state pursuant to section 7-1031,  
30 Idaho Code, communicate with a tribunal ~~of another outside this~~ state pur-  
31 suant to section 7-1032, Idaho Code, and obtain discovery through a tribunal  
32 ~~of another outside this~~ state pursuant to section 7-1033, Idaho Code. In all  
33 other respects, sections 7-1016 through 7-1058, Idaho Code, do not apply and  
34 the tribunal shall apply the procedural and substantive law of this state.

35 SECTION 13. That Section 7-1015, Idaho Code, be, and the same is hereby  
36 amended to read as follows:

37 7-1015. CONTINUING, EXCLUSIVE JURISDICTION TO MODIFY SPOUSAL SUPPORT  
38 ORDER. (1) A tribunal of this state issuing a spousal support order consis-  
39 tent with the law of this state has continuing, exclusive jurisdiction to  
40 modify the spousal support order throughout the existence of the support  
41 obligation.

42 (2) A tribunal of this state may not modify a spousal support order is-  
43 sued by a tribunal of another state or a foreign country having continuing,

1 exclusive jurisdiction over that order under the law of that state or foreign  
2 country.

3 (3) A tribunal of this state that has continuing, exclusive jurisdic-  
4 tion over a spousal support order may serve as:

5 (a) An initiating tribunal to request a tribunal of another state to en-  
6 force the spousal support order issued in this state; or

7 (b) A responding tribunal to enforce or modify its own spousal support  
8 order.

9 SECTION 14. That Section 7-1016, Idaho Code, be, and the same is hereby  
10 amended to read as follows:

11 7-1016. PROCEEDINGS UNDER THIS CHAPTER. (1) Except as otherwise pro-  
12 vided in this chapter, sections 7-1016 through 7-1034, Idaho Code, apply to  
13 all proceedings under the provisions of this chapter.

14 (2) An individual petitioner or a support enforcement agency may ini-  
15 tiate a proceeding authorized under this chapter by filing a petition in an  
16 initiating tribunal for forwarding to a responding tribunal or by filing a  
17 petition or a comparable pleading directly in a tribunal of another state or  
18 a foreign country which has or can obtain personal jurisdiction over the re-  
19 spondent.

20 SECTION 15. That Section 7-1019, Idaho Code, be, and the same is hereby  
21 amended to read as follows:

22 7-1019. DUTIES OF INITIATING TRIBUNAL. (1) Upon the filing of a peti-  
23 tion authorized by this chapter, an initiating tribunal of this state shall  
24 forward the petition and its accompanying documents:

25 (a) To the responding tribunal or appropriate support enforcement  
26 agency in the responding state; or

27 (b) If the identity of the responding tribunal is unknown, to the state  
28 information agency of the responding state with a request that they be  
29 forwarded to the appropriate tribunal and that receipt be acknowledged.

30 (2) If requested by the responding tribunal, a tribunal of this state  
31 shall issue a certificate or other document and make findings required by  
32 the law of the responding state. If the responding ~~state~~ tribunal is in a  
33 foreign country ~~or political subdivision~~, upon request the tribunal of this  
34 state shall specify the amount of support sought, convert that amount into  
35 the equivalent amount in the foreign currency under applicable official or  
36 market exchange rate as publicly reported, and provide any other documents  
37 necessary to satisfy the requirements of the responding ~~state~~ foreign tri-  
38 bunal.

39 SECTION 16. That Section 7-1020, Idaho Code, be, and the same is hereby  
40 amended to read as follows:

41 7-1020. DUTIES AND POWERS OF RESPONDING TRIBUNAL. (1) When a respond-  
42 ing tribunal of this state receives a petition or comparable pleading from an  
43 initiating tribunal or directly pursuant to section 7-1016(2), Idaho Code,  
44 it shall cause the petition or pleading to be filed and notify the petitioner  
45 where and when it was filed.

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

3 (a) ~~Issue~~ Establish or enforce a support order, modify a child-support  
4 order, determine the controlling child-support order, or ~~to~~ determine  
5 parentage of a child;

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

8 (c) Order income withholding;

9 (d) Determine the amount of any arrearages, and specify a method of pay-  
10 ment;

11 (e) Enforce orders by civil or criminal contempt, or both;

12 (f) Set aside property for satisfaction of the support order;

13 (g) Place liens and order execution on the obligor's property;

14 (h) Order an obligor to keep the tribunal informed of the obligor's cur-  
15 rent residential address, electronic mail address, telephone number,  
16 employer, address of employment, and telephone number at the place of  
17 employment;

18 (i) Issue a bench warrant for an obligor who has failed after proper no-  
19 tice to appear at a hearing ordered by the tribunal and enter the bench  
20 warrant in any local and state computer systems for criminal warrants;

21 (j) Order the obligor to seek appropriate employment by specified meth-  
22 ods;

23 (k) Award reasonable attorney's fees and other fees and costs; and

24 (l) Grant any other available remedy.

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

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

31 (5) If a responding tribunal of this state issues an order under this  
32 chapter, the tribunal shall send a copy of the order to the petitioner and the  
33 respondent and to the initiating tribunal, if any.

34 (6) If requested to enforce a support order, arrears, or judgment or  
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 ex-  
38 change rate as publicly reported.

39 SECTION 17. That Section 7-1021, Idaho Code, be, and the same is hereby  
40 amended to read as follows:

41 7-1021. INAPPROPRIATE TRIBUNAL. If a petition or comparable pleading  
42 is received by an inappropriate tribunal of this state, the tribunal shall  
43 forward the pleading and accompanying documents to an appropriate tribunal  
44 ~~in~~ of this state or another state and notify the petitioner where and when the  
45 pleading was sent.

46 SECTION 18. That Section 7-1022, Idaho Code, be, and the same is hereby  
47 amended to read as follows:

1 7-1022. DUTIES OF SUPPORT ENFORCEMENT AGENCY. (1) A support enforce-  
2 ment agency of this state, upon request, shall provide services to a peti-  
3 tioner in a proceeding under this chapter.

4 (2) A support enforcement agency of this state that is providing ser-  
5 vices to the petitioner shall:

6 (a) Take all steps necessary to enable an appropriate tribunal ~~in~~ of  
7 this state, ~~or~~ another state or a foreign country to obtain jurisdiction  
8 over the respondent;

9 (b) Request an appropriate tribunal to set a date, time and place for a  
10 hearing;

11 (c) Make a reasonable effort to obtain all relevant information, in-  
12 cluding information as to income and property of the parties;

13 (d) Within two ~~(2)~~ days, exclusive of Saturdays, Sundays, and legal  
14 holidays, after receipt of notice in a record from an initiating, re-  
15 sponding, or registering tribunal, send a copy of the notice to the pe-  
16 titioner;

17 (e) Within two ~~(2)~~ days, exclusive of Saturdays, Sundays, and legal  
18 holidays, after receipt of communication in a record from the respon-  
19 dent or the respondent's attorney, send a copy of the communication to  
20 the petitioner; and

21 (f) Notify the petitioner if jurisdiction over the respondent cannot be  
22 obtained.

23 (3) A support enforcement agency of this state that requests registra-  
24 tion of a child-support order in this state for enforcement or for modifica-  
25 tion shall make reasonable efforts:

26 (a) To ensure that the order to be registered is the controlling order;  
27 or

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

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

37 (5) A support enforcement agency of this state shall issue or request  
38 a tribunal of this state to issue a child-support order and an income-with-  
39 holding order that redirect payment of current support, arrears, and inter-  
40 est if requested to do so by a support enforcement agency of another state  
41 pursuant to section 7-1034, Idaho Code.

42 (6) This chapter does not create or negate a relationship of attorney  
43 and client or other fiduciary relationship between a support enforcement  
44 agency or the attorney for the agency and the individual being assisted by  
45 the agency.

46 SECTION 19. That Section 7-1023, Idaho Code, be, and the same is hereby  
47 amended to read as follows:

48 7-1023. DUTY OF ATTORNEY GENERAL. (1) If the attorney general deter-  
49 mines that the support enforcement agency is neglecting or refusing to pro-

1     vide services to an individual, the attorney general may order the agency to  
2     perform its duties under this chapter or may provide those services directly  
3     to the individual.

4     (2) The attorney general may determine that a foreign country ~~or polit-~~  
5     ~~ical subdivision~~ has established a reciprocal arrangement for child support  
6     with this state and take appropriate action for notification of the determi-  
7     nation.

8             SECTION 20. That Section 7-1025, Idaho Code, be, and the same is hereby  
9     amended to read as follows:

10            7-1025. DUTIES OF STATE INFORMATION AGENCY. (1) The central registry  
11     in the bureau of child support of the department of health and welfare is the  
12     state information agency under this chapter.

13            (2) The state information agency shall:

14            (a) Compile and maintain a current list, including addresses, of the  
15     tribunals in this state which have jurisdiction under this chapter and  
16     any support enforcement agencies in this state and transmit a copy to  
17     the state information agency of every other state;

18            (b) Maintain a register of names and addresses of tribunals and support  
19     enforcement agencies received from other states;

20            (c) Forward to the appropriate tribunal in the county in this state in  
21     which the obligee who is an individual or the obligor resides, or in  
22     which the obligor's property is believed to be located, all documents  
23     concerning a proceeding under this chapter received from ~~an initiat-~~  
24     ~~ing tribunal or the state information agency of the initiating~~ another  
25     state or a foreign country; and

26            (d) Obtain information concerning the location of the obligor and the  
27     obligor's property within this state not exempt from execution, by such  
28     means as postal verification and federal or state locator services, ex-  
29     amination of telephone directories, requests for the obligor's address  
30     from employers, and examination of governmental records, including, to  
31     the extent not prohibited by other law, those relating to real property,  
32     vital statistics, law enforcement, taxation, motor vehicles, driver's  
33     licenses, and social security.

34            SECTION 21. That Section 7-1026, Idaho Code, be, and the same is hereby  
35     amended to read as follows:

36            7-1026. PLEADINGS AND ACCOMPANYING DOCUMENTS. (1) In a proceeding un-  
37     der this chapter, a petitioner seeking to establish a support order, to de-  
38     termine parentage of a child, or to register and modify a support order of a  
39     tribunal of another state or a foreign country must file a petition. Unless  
40     otherwise ordered under section 7-1027, Idaho Code, the petition or accompa-  
41     nying documents must provide, so far as known, the name, residential address  
42     and social security numbers of the obligor and the obligee or the parent and  
43     alleged parent, and the name, sex, residential address, social security num-  
44     ber and date of birth of each child for whose benefit support is sought or  
45     whose parentage is to be determined. Unless filed at the time of registra-  
46     tion, the petition must be accompanied by a copy of any support order known to

1 have been issued by another tribunal. The petition may include any other in-  
2 formation that may assist in locating or identifying the respondent.

3 (2) The petition must specify the relief sought. The petition and ac-  
4 companying documents must conform substantially with the requirements im-  
5 posed by the forms mandated by federal law for use in cases filed by a support  
6 enforcement agency.

7 SECTION 22. That Section 7-1028, Idaho Code, be, and the same is hereby  
8 amended to read as follows:

9 7-1028. COSTS AND FEES. (1) The petitioner may not be required to pay a  
10 filing fee or other costs.

11 (2) If an obligee prevails, a responding tribunal of this state may  
12 assess against an obligor filing fees, reasonable attorney's fees, other  
13 costs, and necessary travel and other reasonable expenses incurred by the  
14 obligee and the obligee's witnesses. The tribunal may not assess fees,  
15 costs, or expenses against the obligee or the support enforcement agency of  
16 either the initiating or the responding state or foreign country, except  
17 as provided by other law. Attorney's fees may be taxed as costs, and may be  
18 ordered paid directly to the attorney, who may enforce the order in the at-  
19 torney's own name. Payment of support owed to the obligee has priority over  
20 fees, costs and expenses.

21 (3) The tribunal shall order the payment of costs and reasonable attor-  
22 ney's fees if it determines that a hearing was requested primarily for delay.  
23 In a proceeding under sections 7-1043 through 7-1057~~8~~, Idaho Code, a hearing  
24 is presumed to have been requested primarily for delay if a registered sup-  
25 port order is confirmed or enforced without change.

26 SECTION 23. That Section 7-1031, Idaho Code, be, and the same is hereby  
27 amended to read as follows:

28 7-1031. SPECIAL RULES OF EVIDENCE AND PROCEDURE. (1) The physical  
29 presence of a nonresident party who is an individual in a tribunal of this  
30 state is not required for the establishment, enforcement, or modification  
31 of a support order or the rendition of a judgment determining parentage of a  
32 child.

33 (2) An affidavit, a document substantially complying with federally  
34 mandated forms, or a document incorporated by reference in any of them, which  
35 would not be excluded under the hearsay rule if given in person, is admis-  
36 sible in evidence if given under penalty of perjury by a party or witness  
37 residing ~~in another~~ outside this state.

38 (3) A copy of the record of child-support payments certified as a true  
39 copy of the original by the custodian of the record may be forwarded to a re-  
40 sponding tribunal. The copy is evidence of facts asserted in it, and is ad-  
41 missible to show whether payments were made.

42 (4) Copies of bills for testing for parentage of a child, and for prena-  
43 tal and postnatal health care of the mother and child, furnished to the ad-  
44 verse party at least ten (10) days before trial, are admissible in evidence  
45 to prove the amount of the charges billed and that the charges were reason-  
46 able, necessary, and customary.

1 (5) Documentary evidence transmitted from ~~another~~ outside this state  
2 to a tribunal of this state by telephone, telecopier, or other electronic  
3 means that do not provide an original record may not be excluded from evi-  
4 dence on an objection based on the means of transmission.

5 (6) In a proceeding under this chapter, a tribunal of this state shall  
6 permit a party or witness residing ~~in another~~ outside this state to be de-  
7 posed or to testify under penalty of perjury by telephone, audiovisual  
8 means, or other electronic means at a designated tribunal or other location  
9 ~~in that state~~. A tribunal of this state shall cooperate with other tribunals  
10 ~~of other states~~ in designating an appropriate location for the deposition or  
11 testimony.

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

15 (8) A privilege against disclosure of communications between spouses  
16 does not apply in a proceeding under this chapter.

17 (9) The defense of immunity based upon the relationship of husband and  
18 wife or parent and child does not apply in a proceeding under this chapter.

19 (10) A voluntary acknowledgment of paternity, certified as a true copy,  
20 is admissible to establish parentage of the child.

21 SECTION 24. That Section 7-1032, Idaho Code, be, and the same is hereby  
22 amended to read as follows:

23 7-1032. COMMUNICATIONS BETWEEN TRIBUNALS. A tribunal of this state  
24 may communicate with a tribunal ~~of another~~ outside this state ~~or foreign~~  
25 ~~country or political subdivision~~ in a record, or by telephone, electronic  
26 mail or other means, to obtain information concerning the laws, the legal  
27 effect of a judgment, decree, or order of that tribunal, and the status of a  
28 proceeding ~~in the other state or foreign country or political subdivision~~.  
29 A tribunal of this state may furnish similar information by similar means  
30 to a tribunal ~~of another~~ outside this state ~~or foreign country or political~~  
31 ~~subdivision~~.

32 SECTION 25. That Section 7-1033, Idaho Code, be, and the same is hereby  
33 amended to read as follows:

34 7-1033. ASSISTANCE WITH DISCOVERY. A tribunal of this state may:

35 (1) Request a tribunal ~~of another~~ outside this state to assist in ob-  
36 taining discovery; and

37 (2) Upon request, compel a person over ~~whom~~ which it has jurisdiction  
38 to respond to a discovery order issued by a tribunal ~~of another~~ outside this  
39 state.

40 SECTION 26. That Section 7-1034, Idaho Code, be, and the same is hereby  
41 amended to read as follows:

42 7-1034. RECEIPT AND DISBURSEMENT OF PAYMENTS. (1) A support enforce-  
43 ment agency or tribunal of this state shall disburse promptly any amounts re-  
44 ceived pursuant to a support order, as directed by the order. The agency or  
45 tribunal shall furnish to a requesting party or tribunal of another state or



1 a foreign country a certified statement by the custodian of the record of the  
2 amounts and dates of all payments received.

3 (2) If neither the obligor, nor the obligee who is an individual, nor  
4 the child resides in this state, upon request from the support enforcement  
5 agency of this state or another state, the support enforcement agency of this  
6 state or a tribunal of this state shall:

7 (a) Direct that the support payment be made to the support enforcement  
8 agency in the state in which the obligee is receiving services; and

9 (b) Issue and send to the obligor's employer a conforming income-with-  
10 holding order or an administrative notice of change of payee, reflect-  
11 ing the redirected payments.

12 (3) The support enforcement agency of this state receiving redirected  
13 payments from another state pursuant to a law similar to subsection (2) of  
14 this section shall furnish to a requesting party or tribunal of the other  
15 state a certified statement by the custodian of the record of the amount and  
16 dates of all payments received.

17 SECTION 27. That Section 7-1035, Idaho Code, be, and the same is hereby  
18 amended to read as follows:

19 7-1035. ~~PETITION TO ESTABLISHMENT OF~~ SUPPORT ORDER. (1) If a support  
20 order entitled to recognition under this chapter has not been issued, a re-  
21 sponding tribunal of this state with personal jurisdiction over the parties  
22 may issue a support order if:

23 (a) The individual seeking the order resides ~~in another~~ outside this  
24 state; or

25 (b) The support enforcement agency seeking the order is located ~~in an-~~  
26 ~~other~~ outside this state.

27 (2) The tribunal may issue a temporary child-support order if the tri-  
28 bunal determines that such an order is appropriate and the individual or-  
29 dered to pay is:

30 (a) A presumed father of the child;

31 (b) Petitioning to have his paternity adjudicated;

32 (c) Identified as the father of the child through genetic testing;

33 (d) An alleged father who has declined to submit to genetic testing;

34 (e) Shown by clear and convincing evidence to be the father of the  
35 child;

36 (f) An acknowledged father as provided by ~~applicable state law~~ section  
37 7-1106, Idaho Code;

38 (g) The mother of the child; or

39 (h) An individual who has been ordered to pay child support in a previ-  
40 ous proceeding and the order has not been reversed or vacated.

41 (3) Upon finding, after notice and opportunity to be heard, that an  
42 obligor owes a duty of support, the tribunal shall issue a support order di-  
43 rected to the obligor and may issue other orders pursuant to section 7-1020,  
44 Idaho Code.

45 SECTION 28. That Chapter 10, Title 7, Idaho Code, be, and the same is  
46 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
47 ignated as Section 7-1035A, Idaho Code, and to read as follows:

1           7-1035A. PROCEEDING TO DETERMINE PARENTAGE. A tribunal of this state  
2 authorized to determine parentage of a child may serve as a responding tri-  
3 bunal in a proceeding to determine parentage of a child brought under this  
4 act or a law or procedure substantially similar to this act.

5           SECTION 29. That Section 7-1039, Idaho Code, be, and the same is hereby  
6 amended to read as follows:

7           7-1039. IMMUNITY FROM CIVIL LIABILITY. An employer ~~who~~ that complies  
8 with an income-withholding order issued in another state in accordance with  
9 sections 7-1036 through 7-1042, Idaho Code, is not subject to civil liabil-  
10 ity to an individual or agency with regard to the employer's withholding of  
11 child support from the obligor's income.

12           SECTION 30. That Section 7-1040, Idaho Code, be, and the same is hereby  
13 amended to read as follows:

14           7-1040. PENALTIES FOR NONCOMPLIANCE. An employer ~~who~~ that willfully  
15 fails to comply with an income-withholding order issued ~~by~~ in another state  
16 and received for enforcement is subject to the same penalties that may be im-  
17 posed for noncompliance with an order issued by a tribunal of this state.

18           SECTION 31. That Section 7-1042, Idaho Code, be, and the same is hereby  
19 amended to read as follows:

20           7-1042. ADMINISTRATIVE ENFORCEMENT OF ORDERS. (1) A party or support  
21 enforcement agency seeking to enforce a support order or an income-withhold-  
22 ing order, or both, issued ~~by a tribunal of~~ in another state or a foreign  
23 support order may send the documents required for registering the order to a  
24 support enforcement agency of this state.

25           (2) Upon receipt of the documents, the support enforcement agency,  
26 without initially seeking to register the order, shall consider and, if  
27 appropriate, use any administrative procedure authorized by the law of this  
28 state to enforce a support order or an income-withholding order, or both.  
29 If the obligor does not contest administrative enforcement, the order need  
30 not be registered. If the obligor contests the validity or administrative  
31 enforcement of the order, the support enforcement agency shall register the  
32 order pursuant to this chapter.

33           SECTION 32. That Section 7-1043, Idaho Code, be, and the same is hereby  
34 amended to read as follows:

35           7-1043. REGISTRATION OF ORDER FOR ENFORCEMENT. A support order or in-  
36 come-withholding order issued ~~by a tribunal of~~ in another state or a foreign  
37 support order may be registered in this state for enforcement.

38           SECTION 33. That Section 7-1044, Idaho Code, be, and the same is hereby  
39 amended to read as follows:

40           7-1044. PROCEDURE TO REGISTER ORDER FOR ENFORCEMENT. (1) Except as  
41 otherwise provided in section 7-1064, Idaho Code, a A support order or in-

1 come-withholding order of another state or a foreign support order may be  
 2 registered in this state by sending the following records ~~and information~~ to  
 3 the district court in this state:

4 (a) A letter of transmittal to the tribunal requesting registration and  
 5 enforcement;

6 (b) Two ~~(2)~~ copies, including one ~~(1)~~ certified copy, of the order to be  
 7 registered, including any modification of the order;

8 (c) A sworn statement by the person requesting registration or a certi-  
 9 fied statement by the custodian of the records showing the amount of any  
 10 arrearage;

11 (d) The name of the obligor and, if known:

12 (i) The obligor's address and social security number;

13 (ii) The name and address of the obligor's employer and any other  
 14 source of income of the obligor; and

15 (iii) A description and the location of property of the obligor in  
 16 this state not exempt from execution; and

17 (e) Except as otherwise provided in section 7-1027, Idaho Code, the  
 18 name and address of the obligee and, if applicable, the person to whom  
 19 support payments are to be remitted.

20 (2) On receipt of a request for registration, the registering tribunal  
 21 shall cause the order to be filed as ~~a foreign judgment~~ an order of a tribunal  
 22 of another state or a foreign support order, together with one ~~(1)~~ copy of the  
 23 documents and information, regardless of their form.

24 (3) A petition or comparable pleading seeking a remedy that must be af-  
 25 firmatively sought under other law of this state may be filed at the same  
 26 time as the request for registration or later. The pleading must specify the  
 27 grounds for the remedy sought.

28 (4) If two ~~(2)~~ or more orders are in effect, the person requesting reg-  
 29 istration shall:

30 (a) Furnish to the tribunal a copy of every support order asserted to be  
 31 in effect in addition to the documents specified in this section;

32 (b) Specify the order alleged to be the controlling order, if any; and

33 (c) Specify the amount of consolidated arrears, if any.

34 (5) A request for determination of which is the controlling order may be  
 35 filed separately or with a request for registration and enforcement or for  
 36 registration and modification. The person requesting registration shall  
 37 give notice of the request to each party whose rights may be affected by the  
 38 determination.

39 SECTION 34. That Section 7-1045, Idaho Code, be, and the same is hereby  
 40 amended to read as follows:

41 7-1045. EFFECT OF REGISTRATION FOR ENFORCEMENT. (1) A support order or  
 42 income-withholding order issued in another state or a foreign support or-  
 43 der is registered when the order is filed in the registering tribunal of this  
 44 state.

45 (2) A registered support order issued in another state or a foreign  
 46 country is enforceable in the same manner and is subject to the same proce-  
 47 dures as an order issued by a tribunal of this state.

48 (3) Except as otherwise provided in ~~sections 7-1043 through 7-1057,~~  
 49 ~~Idaho Code~~ this chapter, a tribunal of this state shall recognize and en-

1 force, but may not modify, a registered support order if the issuing tribunal  
2 had jurisdiction.

3 SECTION 35. That Section 7-1046, Idaho Code, be, and the same is hereby  
4 amended to read as follows:

5 7-1046. CHOICE OF LAW. (1) Except as otherwise provided in subsection  
6 (4) of this section, the law of the issuing state or foreign country governs:

7 (a) The nature, extent, amount, and duration of current payments under  
8 a registered support order;

9 (b) The computation and payment of arrearages and accrual of interest  
10 on the arrearages under the support order; and

11 (c) The existence and satisfaction of other obligations under the sup-  
12 port order.

13 (2) In a proceeding for arrears under a registered support order, the  
14 statute of limitation of this state or of the issuing state or foreign coun-  
15 try, whichever is longer, applies.

16 (3) A responding tribunal of this state shall apply the procedures and  
17 remedies of this state to enforce current support and collect arrears and in-  
18 terest due on a support order of another state or a foreign country regis-  
19 tered in this state.

20 (4) After a tribunal of this or another state determines which is the  
21 controlling order and issues an order consolidating arrears, if any, a tri-  
22 bunal of this state shall prospectively apply the law of the state or foreign  
23 country issuing the controlling order, including its law on interest on ar-  
24 rears, on current and future support, and on consolidated arrears.

25 SECTION 36. That Section 7-1047, Idaho Code, be, and the same is hereby  
26 amended to read as follows:

27 7-1047. NOTICE OF REGISTRATION OF ORDER. (1) When a support order or  
28 income-withholding order issued in another state or a foreign support order  
29 is registered, the registering tribunal of this state shall notify the non-  
30 registering party. The notice must be accompanied by a copy of the regis-  
31 tered order and the documents and relevant information accompanying the or-  
32 der.

33 (2) A notice must inform the nonregistering party:

34 (a) That a registered order is enforceable as of the date of registra-  
35 tion in the same manner as an order issued by a tribunal of this state;

36 (b) That a hearing to contest the validity or enforcement of the reg-  
37 istered order must be requested within ~~twenty~~ ~~(20)~~ days after notice  
38 unless the registered order is under section 7-1065, Idaho Code;

39 (c) That failure to contest the validity or enforcement of the regis-  
40 tered order in a timely manner will result in confirmation of the order  
41 and enforcement of the order and the alleged arrearages; and

42 (d) Of the amount of any alleged arrearages.

43 (3) If the registering party asserts that two ~~(2)~~ or more orders are in  
44 effect, a notice must also:

45 (a) Identify the two ~~(2)~~ or more orders and the order alleged by the reg-  
46 istering ~~person~~ party to be the controlling order and the consolidated  
47 arrears, if any;

1 (b) Notify the nonregistering party of the right to a determination of  
2 which is the controlling order;

3 (c) State that the procedures provided in subsection (2) of this sec-  
4 tion apply to the determination of which is the controlling order; and

5 (d) State that failure to contest the validity or enforcement of the or-  
6 der alleged to be the controlling order in a timely manner may result in  
7 confirmation that the order is the controlling order.

8 (4) Upon registration of an income-withholding order for enforcement,  
9 the support enforcement agency or the registering tribunal shall notify the  
10 obligor's employer pursuant to the provisions of chapter 12, title 32, Idaho  
11 Code.

12 SECTION 37. That Section 7-1048, Idaho Code, be, and the same is hereby  
13 amended to read as follows:

14 7-1048. PROCEDURE TO CONTEST VALIDITY OR ENFORCEMENT OF REGISTERED  
15 SUPPORT ORDER. (1) A nonregistering party seeking to contest the validity  
16 or enforcement of a registered support order in this state shall request a  
17 hearing within ~~twenty (20) days after notice of the registration~~ the time  
18 required by section 7-1047, Idaho Code. The nonregistering party may seek to  
19 vacate the registration, to assert any defense to an allegation of noncom-  
20 pliance with the registered order, or to contest the remedies being sought or  
21 the amount of any alleged arrearages pursuant to section 7-1049, Idaho Code.

22 (2) If the nonregistering party fails to contest the validity or en-  
23 forcement of the registered support order in a timely manner, the order is  
24 confirmed by operation of law.

25 (3) If a nonregistering party requests a hearing to contest the valid-  
26 ity or enforcement of the support registered order, the registering tribunal  
27 shall schedule the matter for hearing and give notice to the parties of the  
28 date, time, and place of the hearing.

29 SECTION 38. That Section 7-1049, Idaho Code, be, and the same is hereby  
30 amended to read as follows:

31 7-1049. CONTEST OF REGISTRATION OR ENFORCEMENT. (1) A party contest-  
32 ing the validity or enforcement of a registered support order or seeking to  
33 vacate the registration has the burden of proving one ~~(1)~~ or more of the fol-  
34 lowing defenses:

35 (a) The issuing tribunal lacked personal jurisdiction over the con-  
36 testing party;

37 (b) The order was obtained by fraud;

38 (c) The order has been vacated, suspended, or modified by a later order;

39 (d) The issuing tribunal has stayed the order pending appeal;

40 (e) There is a defense under the law of this state to the remedy sought;

41 (f) Full or partial payment has been made;

42 (g) The statute of limitation under section 7-1046, Idaho Code, pre-  
43 cludes enforcement of some or all of the alleged arrearages; or

44 (h) The alleged controlling order is not the controlling order.

45 (2) If a party presents evidence establishing a full or partial defense  
46 under subsection (1) of this section, a tribunal may stay enforcement of ~~the~~  
47 a registered support order, continue the proceeding to permit production of

1 additional relevant evidence, and issue other appropriate orders. An uncon-  
2 tested portion of the registered support order may be enforced by all reme-  
3 dies available under the law of this state.

4 (3) If the contesting party does not establish a defense under subsec-  
5 tion (1) of this section to the validity or enforcement of ~~the~~ a registered  
6 support order, the registering tribunal shall issue an order confirming the  
7 order.

8 SECTION 39. That Section 7-1050, Idaho Code, be, and the same is hereby  
9 amended to read as follows:

10 7-1050. CONFIRMED ORDER. Confirmation of a registered support order,  
11 whether by operation of law or after notice and hearing, precludes further  
12 contest of the order with respect to any matter that could have been asserted  
13 at the time of registration.

14 SECTION 40. That Section 7-1051, Idaho Code, be, and the same is hereby  
15 amended to read as follows:

16 7-1051. PROCEDURE TO REGISTER CHILD-SUPPORT ORDER OF ANOTHER STATE  
17 FOR MODIFICATION. A party or support enforcement agency seeking to modify,  
18 or to modify and enforce, a child-support order issued in another state shall  
19 register that order in this state in the same manner provided in sections  
20 7-1043 through 7-1046~~50~~, Idaho Code, if the order has not been registered.  
21 A petition for modification may be filed at the same time as a request for  
22 registration, or later. The pleading must specify the grounds for modifi-  
23 cation.

24 SECTION 41. That Section 7-1052, Idaho Code, be, and the same is hereby  
25 amended to read as follows:

26 7-1052. EFFECT OF REGISTRATION FOR MODIFICATION. A tribunal of this  
27 state may enforce a child-support order of another state registered for pur-  
28 poses of modification, in the same manner as if the order had been issued by a  
29 tribunal of this state, but the registered support order may be modified only  
30 if the requirements of section 7-1053, or 7-1055 ~~or~~ 7-1057, Idaho Code, have  
31 been met.

32 SECTION 42. That Section 7-1053, Idaho Code, be, and the same is hereby  
33 amended to read as follows:

34 7-1053. MODIFICATION OF CHILD-SUPPORT ORDER OF ANOTHER STATE. (1) If  
35 section 7-1055, Idaho Code, does not apply, ~~except as otherwise provided in~~  
36 ~~section 7-1057, Idaho Code,~~ upon petition a tribunal of this state may mod-  
37 ify a child-support order issued in another state which is registered in this  
38 state if, after notice and hearing, the tribunal finds that:

39 (a) The following requirements are met:

40 (i) Neither the child, nor the obligee who is an individual, nor  
41 the obligor resides in the issuing state;

42 (ii) A petitioner who is a nonresident of this state seeks modifi-  
43 cation; and

1 (iii) The respondent is subject to the personal jurisdiction of  
2 the tribunal of this state; or

3 (b) This state is the ~~state of~~ residence of the child, or a party who is  
4 an individual is subject to the personal jurisdiction of the tribunal of  
5 this state, and all of the parties who are individuals have filed con-  
6 sents in a record in the issuing tribunal for a tribunal of this state  
7 to modify the support order and assume continuing, exclusive jurisdic-  
8 tion.

9 (2) Modification of a registered child-support order is subject to the  
10 same requirements, procedures, and defenses that apply to the modification  
11 of an order issued by a tribunal of this state and the order may be enforced  
12 and satisfied in the same manner.

13 (3) ~~Except as otherwise provided in section 7-1057, Idaho Code, a~~ A tri-  
14 bunal of this state may not modify any aspect of a child-support order that  
15 may not be modified under the law of the issuing state, including the dura-  
16 tion of the obligation ~~to~~ of support. If two ~~(2)~~ or more tribunals have is-  
17 sued child-support orders for the same obligor and same child, the order that  
18 controls and must be so recognized under section 7-1011, Idaho Code, estab-  
19 lishes the aspects of the support order which are nonmodifiable.

20 (4) In a proceeding to modify a child-support order, the law of the  
21 state that is determined to have issued the initial controlling order gov-  
22 erns the duration of the obligation of support. The obligor's fulfillment  
23 of the duty of support established by that order precludes imposition of a  
24 further obligation of support by a tribunal of this state.

25 (5) On the issuance of an order by a tribunal of this state modifying a  
26 child-support order issued in another state, the tribunal of this state be-  
27 comes the tribunal having continuing, exclusive jurisdiction.

28 (6) Notwithstanding subsections (1) through (5) of this section and  
29 section 7-1005(b), Idaho Code, a tribunal of this state retains jurisdiction  
30 to modify an order issued by a tribunal of this state if:

31 (a) One party resides in another state; and

32 (b) The other party resides outside the United States.

33 SECTION 43. That Section 7-1055, Idaho Code, be, and the same is hereby  
34 amended to read as follows:

35 7-1055. JURISDICTION TO MODIFY SUPPORT ORDER OF ANOTHER STATE WHEN IN-  
36 DIVIDUAL PARTIES RESIDE IN THIS STATE. (1) If all of the parties who are in-  
37 dividuals reside in this state and the child does not reside in the issuing  
38 state, a tribunal of this state has jurisdiction to enforce and to modify the  
39 issuing state's child-support order in a proceeding to register that order.

40 (2) A tribunal of this state exercising jurisdiction under this sec-  
41 tion shall apply the provisions of sections 7-1001 through 7-1015 and sec-  
42 tions 7-1043 through 7-1057, Idaho Code, and the procedural and substantive  
43 law of this state to the proceeding for enforcement or modification. Sec-  
44 tions 7-1016 through 7-1042, Idaho Code, and sections 7-1058 ~~72~~ through and  
45 7-1060 ~~73~~, Idaho Code, do not apply.

46 SECTION 44. That Section 7-1057, Idaho Code, be, and the same is hereby  
47 amended to read as follows:

1           7-1057. JURISDICTION TO MODIFY CHILD-SUPPORT ORDER OF FOREIGN COUN-  
2 TRY OR POLITICAL SUBDIVISION. (1) Except as otherwise provided in section  
3 7-1069, Idaho Code, if a foreign country or political subdivision that is a  
4 state will not or may not modify its order lacks or refuses to exercise juris-  
5 isdiction to modify its child-support order pursuant to its laws, a tribunal  
6 of this state may assume jurisdiction to modify the child-support order and  
7 bind all individuals subject to the personal jurisdiction of the tribunal  
8 whether or not the consent to modification of a child-support order other-  
9 wise required of the individual pursuant to section 7-1053, Idaho Code, has  
10 been given or whether the individual seeking modification is a resident of  
11 this state or of the foreign country or political subdivision.

12           (2) An order issued by a tribunal of this state modifying a foreign  
13 child-support order pursuant to this section is the controlling order.

14           SECTION 45. That Section 7-1058, Idaho Code, be, and the same is hereby  
15 repealed.

16           SECTION 46. That Chapter 10, Title 7, Idaho Code, be, and the same is  
17 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
18 ignated as Section 7-1058, Idaho Code, and to read as follows:

19           7-1058. PROCEDURE TO REGISTER CHILD-SUPPORT ORDER OF FOREIGN COUNTRY  
20 FOR MODIFICATION. A party or support enforcement agency seeking to modify,  
21 or to modify and enforce, a foreign child-support order not under the con-  
22 vention may register that order in this state under sections 7-1043 through  
23 7-1050, Idaho Code, if the order has not been registered. A petition for mod-  
24 ification may be filed at the same time as a request for registration, or at  
25 another time. The petition must specify the grounds for modification.

26           SECTION 47. That Chapter 10, Title 7, Idaho Code, be, and the same is  
27 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
28 ignated as Section 7-1059, Idaho Code, and to read as follows:

29           7-1059. DEFINITIONS. As used in sections 7-1059 through 7-1071, Idaho  
30 Code:

31           (1) "Application" means a request under the convention by an obligee or  
32 obligor, or on behalf of a child, made through a central authority for assis-  
33 tance from another central authority.

34           (2) "Central authority" means the entity designated by the United  
35 States or a foreign country described in section 7-1002(5)(d), Idaho Code,  
36 to perform the functions specified in the convention.

37           (3) "Convention support order" means a support order of a tribunal of a  
38 foreign country described in section 7-1002(5)(d), Idaho Code.

39           (4) "Direct request" means a petition filed by an individual in a tri-  
40 bunal of this state in a proceeding involving an obligee, obligor or child  
41 residing outside the United States.

42           (5) "Foreign central authority" means the entity designated by a for-  
43 eign country described in section 7-1002(5)(d), Idaho Code, to perform the  
44 functions specified in the convention.

45           (6) "Foreign support agreement" means:

46           (a) An agreement for support in a record that:



- 1 (i) Is enforceable as a support order in the country of origin;  
2 (ii) Has been:  
3 1. Formally drawn up or registered as an authentic instru-  
4 ment by a foreign tribunal; or  
5 2. Authenticated by, or concluded, registered or filed with  
6 a foreign tribunal; and  
7 (iii) May be reviewed and modified by a foreign tribunal; and  
8 (b) Includes a maintenance arrangement or authentic instrument under  
9 the convention.  
10 (7) "United States central authority" means the Secretary of the United  
11 States Department of Health and Human Services.

12 SECTION 48. That Chapter 10, Title 7, Idaho Code, be, and the same is  
13 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
14 ignated as Section 7-1060, Idaho Code, and to read as follows:

15 7-1060. APPLICABILITY. Sections 7-1059 through 7-1071, Idaho Code,  
16 apply only to a support proceeding under the convention. In such a pro-  
17 ceeding, if a provision of sections 7-1059 through 7-1071, Idaho Code, is  
18 inconsistent with sections 7-1001 through 7-1058, Idaho Code, sections  
19 7-1059 through 7-1071, Idaho Code, control.

20 SECTION 49. That Chapter 10, Title 7, Idaho Code, be, and the same is  
21 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
22 ignated as Section 7-1061, Idaho Code, and to read as follows:

23 7-1061. RELATIONSHIP OF DEPARTMENT OF HEALTH AND WELFARE TO UNITED  
24 STATES CENTRAL AUTHORITY. The Idaho department of health and welfare is rec-  
25 ognized as the agency designated by the United States central authority to  
26 perform specific functions under the convention.

27 SECTION 50. That Chapter 10, Title 7, Idaho Code, be, and the same is  
28 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
29 ignated as Section 7-1062, Idaho Code, and to read as follows:

30 7-1062. INITIATION BY DEPARTMENT OF HEALTH AND WELFARE OF SUPPORT PRO-  
31 CEEDING UNDER CONVENTION. (1) In a support proceeding under sections 7-1059  
32 through 7-1071, Idaho Code, the department of health and welfare shall:

- 33 (a) Transmit and receive applications; and  
34 (b) Initiate or facilitate the institution of a proceeding regarding an  
35 application in a tribunal of this state.

36 (2) The following support proceedings are available to an obligee under  
37 the convention:

- 38 (a) Recognition or recognition and enforcement of a foreign support or-  
39 der;  
40 (b) Enforcement of a support order issued or recognized in this state;  
41 (c) Establishment of a support order if there is no existing order, in-  
42 cluding, if necessary, determination of parentage of a child;  
43 (d) Establishment of a support order if recognition of a foreign sup-  
44 port order is refused under section 7-1066(2)(b), (d) or (i), Idaho  
45 Code;

1 (e) Modification of a support order of a tribunal of this state; and  
2 (f) Modification of a support order of a tribunal of another state or a  
3 foreign country.

4 (3) The following support proceedings are available under the conven-  
5 tion to an obligor against which there is an existing support order:

6 (a) Recognition of an order suspending or limiting enforcement of an  
7 existing support order of a tribunal of this state;

8 (b) Modification of a support order of a tribunal of this state; and

9 (c) Modification of a support order of a tribunal of another state or a  
10 foreign country.

11 (4) A tribunal of this state may not require security, bond or deposit,  
12 however described, to guarantee the payment of costs and expenses in pro-  
13 ceedings under the convention.

14 SECTION 51. That Chapter 10, Title 7, Idaho Code, be, and the same is  
15 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
16 ignated as Section 7-1063, Idaho Code, and to read as follows:

17 7-1063. DIRECT REQUEST. (1) A petitioner may file a direct request  
18 seeking establishment or modification of a support order or determination of  
19 parentage of a child. In the proceeding, the law of this state applies.

20 (2) A petitioner may file a direct request seeking recognition and en-  
21 forcement of a support order or support agreement. In the proceeding, sec-  
22 tions 7-1064 through 7-1071, Idaho Code, apply.

23 (3) In a direct request for recognition and enforcement of a convention  
24 support order or foreign support agreement:

25 (a) A security, bond or deposit is not required to guarantee the payment  
26 of costs and expenses; and

27 (b) An obligee or obligor that in the issuing country has benefited  
28 from free legal assistance is entitled to benefit, at least to the same  
29 extent, from any free legal assistance provided for by the law of this  
30 state under the same circumstances.

31 (4) A petitioner filing a direct request is not entitled to assistance  
32 from the department of health and welfare.

33 (5) Sections 7-1059 through 7-1071, Idaho Code, do not prevent the ap-  
34 plication of laws of this state that provide simplified, more expeditious  
35 rules regarding a direct request for recognition and enforcement of a for-  
36 eign support order or foreign support agreement.

37 SECTION 52. That Chapter 10, Title 7, Idaho Code, be, and the same is  
38 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
39 ignated as Section 7-1064, Idaho Code, and to read as follows:

40 7-1064. REGISTRATION OF CONVENTION SUPPORT ORDER. (1) Except as oth-  
41 erwise provided in sections 7-1059 through 7-1071, Idaho Code, a party who is  
42 an individual or a support enforcement agency seeking recognition of a con-  
43 vention support order shall register the order in this state as provided in  
44 sections 7-1043 through 7-1058, Idaho Code.

45 (2) Notwithstanding sections 7-1026 and 7-1044(1), Idaho Code, a re-  
46 quest for registration of a convention support order must be accompanied by:

1 (a) a complete text of the support order or an abstract or extract of the  
2 support order drawn up by the issuing foreign tribunal, which may be in  
3 the form recommended by The Hague conference on private international  
4 law;

5 (b) A record stating that the support order is enforceable in the issu-  
6 ing country;

7 (c) If the respondent did not appear and was not represented in the pro-  
8 ceedings in the issuing country, a record attesting, as appropriate,  
9 either that the respondent had proper notice of the proceedings and an  
10 opportunity to be heard or that the respondent had proper notice of the  
11 support order and an opportunity to be heard in a challenge or appeal on  
12 fact or law before a tribunal;

13 (d) A record showing the amount of arrears, if any, and the date the  
14 amount was calculated;

15 (e) A record showing a requirement for automatic adjustment of the  
16 amount of support, if any, and the information necessary to make the  
17 appropriate calculations; and

18 (f) If necessary, a record showing the extent to which the applicant re-  
19 ceived free legal assistance in the issuing country.

20 (3) A request for registration of a convention support order may seek  
21 recognition and partial enforcement of the order.

22 (4) A tribunal of this state may vacate the registration of a convention  
23 support order without the filing of a contest under section 7-1065, Idaho  
24 Code, only if, acting on its own motion, the tribunal finds that recognition  
25 and enforcement of the order would be manifestly incompatible with public  
26 policy.

27 (5) The tribunal shall promptly notify the parties of the registration  
28 or the order vacating the registration of a convention support order.

29 SECTION 53. That Chapter 10, Title 7, Idaho Code, be, and the same is  
30 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
31 ignated as Section 7-1065, Idaho Code, and to read as follows:

32 7-1065. CONTEST OF REGISTERED CONVENTION SUPPORT ORDER. (1) Except as  
33 otherwise provided in sections 7-1059 through 7-1071, Idaho Code, sections  
34 7-1047 through 7-1050, Idaho Code, apply to a contest of a registered conven-  
35 tion support order.

36 (2) A party contesting a registered convention support order shall file  
37 a contest not later than 30 days after notice of the registration, but if the  
38 contesting party does not reside in the United States, the contest must be  
39 filed not later than 60 days after notice of the registration.

40 (3) If the nonregistering party fails to contest the registered conven-  
41 tion support order by the time specified in subsection (2) of this section,  
42 the order is enforceable.

43 (4) A contest of a registered convention support order may be based only  
44 on grounds set forth in section 7-1066, Idaho Code. The contesting party  
45 bears the burden of proof.

46 (5) In a contest of a registered convention support order, a tribunal of  
47 this state:

48 (a) Is bound by the findings of fact on which the foreign tribunal based  
49 its jurisdiction; and

1 (b) May not review the merits of the order.

2 (6) A tribunal of this state deciding a contest of a registered conven-  
3 tion support order shall promptly notify the parties of its decision.

4 (7) A challenge or appeal, if any, does not stay the enforcement of a  
5 convention support order unless there are exceptional circumstances.

6 SECTION 54. That Chapter 10, Title 7, Idaho Code, be, and the same is  
7 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
8 ignated as Section 7-1066, Idaho Code, and to read as follows:

9 7-1066. RECOGNITION AND ENFORCEMENT OF REGISTERED CONVENTION SUPPORT  
10 ORDER. (1) Except as otherwise provided in subsection (2) of this section, a  
11 tribunal of this state shall recognize and enforce a registered convention  
12 support order.

13 (2) The following grounds are the only grounds on which a tribunal of  
14 this state may refuse recognition and enforcement of a registered convention  
15 support order:

16 (a) Recognition and enforcement of the order is manifestly incompati-  
17 ble with public policy, including the failure of the issuing tribunal  
18 to observe minimum standards of due process, which include notice and an  
19 opportunity to be heard;

20 (b) The issuing tribunal lacked personal jurisdiction consistent with  
21 section 7-1005, Idaho Code;

22 (c) The order is not enforceable in the issuing country;

23 (d) The order was obtained by fraud in connection with a matter of pro-  
24 cedure;

25 (e) A record transmitted in accordance with section 7-1064, Idaho Code,  
26 lacks authenticity or integrity;

27 (f) A proceeding between the same parties and having the same purpose  
28 is pending before a tribunal of this state and that proceeding was the  
29 first to be filed;

30 (g) The order is incompatible with a more recent support order involv-  
31 ing the same parties and having the same purpose if the more recent sup-  
32 port order is entitled to recognition and enforcement under this chap-  
33 ter in this state;

34 (h) Payment, to the extent alleged arrears have been paid in whole or in  
35 part;

36 (i) In a case in which the respondent neither appeared nor was repre-  
37 sented in the proceeding in the issuing foreign country:

38 (i) If the law of that country provides for prior notice of pro-  
39 ceedings, the respondent did not have proper notice of the pro-  
40 ceedings and an opportunity to be heard; or

41 (ii) If the law of that country does not provide for prior notice  
42 of the proceedings, the respondent did not have proper notice of  
43 the order and an opportunity to be heard in a challenge or appeal on  
44 fact or law before a tribunal; or

45 (j) The order was made in violation of section 7-1069, Idaho Code.

46 (3) If a tribunal of this state does not recognize a convention support  
47 order under subsection (2) (b), (d), or (i) of this section:

1 (a) The tribunal may not dismiss the proceeding without allowing a rea-  
2 sonable time for a party to request the establishment of a new conven-  
3 tion support order; and

4 (b) The department of health and welfare shall take all appropriate  
5 measures to request a child-support order for the obligee if the ap-  
6 plication for recognition and enforcement was received under section  
7 7-1062, Idaho Code.

8 SECTION 55. That Chapter 10, Title 7, Idaho Code, be, and the same is  
9 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
10 ignated as Section 7-1067, Idaho Code, and to read as follows:

11 7-1067. PARTIAL ENFORCEMENT. If a tribunal of this state does not rec-  
12 ognize and enforce a convention support order in its entirety, it shall en-  
13 force any severable part of the order. An application or direct request may  
14 seek recognition and partial enforcement of a convention support order.

15 SECTION 56. That Chapter 10, Title 7, Idaho Code, be, and the same is  
16 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
17 ignated as Section 7-1068, Idaho Code, and to read as follows:

18 7-1068. FOREIGN SUPPORT AGREEMENT. (1) Except as otherwise provided  
19 in subsections (3) and (4) of this section, a tribunal of this state shall  
20 recognize and enforce a foreign support agreement registered in this state.

21 (2) An application or direct request for recognition and enforcement of  
22 a foreign support agreement must be accompanied by:

23 (a) A complete text of the foreign support agreement; and

24 (b) A record stating that the foreign support agreement is enforceable  
25 as an order of support in the issuing country.

26 (3) A tribunal of this state may vacate the registration of a foreign  
27 support agreement only if, acting on its own motion, the tribunal finds that  
28 recognition and enforcement would be manifestly incompatible with public  
29 policy.

30 (4) In a contest of a foreign support agreement, a tribunal of this  
31 state may refuse recognition and enforcement of the agreement if it finds:

32 (a) Recognition and enforcement of the agreement is manifestly incom-  
33 compatible with public policy;

34 (b) The agreement was obtained by fraud or falsification;

35 (c) The agreement is incompatible with a support order involving the  
36 same parties and having the same purpose in this state, another state  
37 or a foreign country if the support order is entitled to recognition and  
38 enforcement under this chapter in this state; or

39 (d) The record submitted under subsection (2) of this section lacks au-  
40 thenticity or integrity.

41 (5) A proceeding for recognition and enforcement of a foreign support  
42 agreement must be suspended during the pendency of a challenge to or appeal  
43 of the agreement before a tribunal of another state or a foreign country.

44 SECTION 57. That Chapter 10, Title 7, Idaho Code, be, and the same is  
45 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
46 ignated as Section 7-1069, Idaho Code, and to read as follows:

1           7-1069. MODIFICATION OF CONVENTION CHILD-SUPPORT ORDER. (1) A tri-  
2 bunal of this state may not modify a convention child-support order if the  
3 obligee remains a resident of the foreign country where the support order was  
4 issued unless:

5           (a) The obligee submits to the jurisdiction of a tribunal of this state,  
6 either expressly or by defending on the merits of the case without ob-  
7 jecting to the jurisdiction at the first available opportunity; or

8           (b) The foreign tribunal lacks or refuses to exercise jurisdiction to  
9 modify its support order or issue a new support order.

10          (2) If a tribunal of this state does not modify a convention child-sup-  
11 port order because the order is not recognized in this state, section  
12 7-1066(3), Idaho Code, applies.

13          SECTION 58. That Chapter 10, Title 7, Idaho Code, be, and the same is  
14 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
15 ignated as Section 7-1070, Idaho Code, and to read as follows:

16          7-1070. PERSONAL INFORMATION -- LIMIT ON USE. Personal information  
17 gathered or transmitted under this chapter may be used only for the purposes  
18 for which it was gathered or transmitted.

19          SECTION 59. That Chapter 10, Title 7, Idaho Code, be, and the same is  
20 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
21 ignated as Section 7-1071, Idaho Code, and to read as follows:

22          7-1071. RECORD IN ORIGINAL LANGUAGE -- ENGLISH TRANSLATION. A record  
23 filed with a tribunal of this state under sections 7-1059 through 7-1071,  
24 Idaho Code, must be in the original language and, if not in English, must be  
25 accompanied by an English translation.

26          SECTION 60. That Section 7-1059, Idaho Code, be, and the same is hereby  
27 amended to read as follows:

28          7-105972. GROUNDS FOR RENDITION. (1) For purposes of sections  
29 7-105972 and 7-106073, Idaho Code, "governor" includes an individual per-  
30 forming the functions of governor or the executive authority of a state  
31 covered by this chapter.

32          (2) The governor of this state may:

33          (a) Demand that the governor of another state surrender an individual  
34 found in the other state who is charged criminally in this state with  
35 having failed to provide for the support of an obligee; or

36          (b) On the demand of the governor of another state, surrender an indi-  
37 vidual found in this state who is charged criminally in the other state  
38 with having failed to provide for the support of an obligee.

39          (3) A provision for extradition of individuals not inconsistent with  
40 this chapter applies to the demand even if the individual whose surrender is  
41 demanded was not in the demanding state when the crime was allegedly commit-  
42 ted and has not fled therefrom.

43          SECTION 61. That Section 7-1060, Idaho Code, be, and the same is hereby  
44 amended to read as follows:

1           7-106073.   CONDITIONS OF RENDITION. (1) Before making a demand that the  
2 governor of another state surrender an individual charged criminally in this  
3 state with having failed to provide for the support of an obligee, the gover-  
4 nor of this state may require a prosecutor of this state to demonstrate that  
5 at least ~~sixty~~ (60) days previously the obligee had initiated proceedings  
6 for support pursuant to this chapter or that the proceeding would be of no  
7 avail.

8           (2) If, under this chapter or a law substantially similar to this chap-  
9 ter, the governor of another state makes a demand that the governor of this  
10 state surrender an individual charged criminally in that state with having  
11 failed to provide for the support of a child or other individual to whom a  
12 duty of support is owed, the governor may require a prosecutor to investigate  
13 the demand and report whether a proceeding for support has been initiated or  
14 would be effective. If it appears that a proceeding would be effective but  
15 has not been initiated, the governor may delay honoring the demand for a rea-  
16 sonable time to permit the initiation of a proceeding.

17           (3) If a proceeding for support has been initiated and the individual  
18 whose rendition is demanded prevails, the governor may decline to honor the  
19 demand. If the petitioner prevails and the individual whose rendition is de-  
20 manded is subject to a support order, the governor may decline to honor the  
21 demand if the individual is complying with the support order.

22           SECTION 62. That Section 7-1061, Idaho Code, be, and the same is hereby  
23 amended to read as follows:

24           7-106174.   UNIFORMITY OF APPLICATION AND CONSTRUCTION. In applying and  
25 construing this ~~chapter~~ uniform act consideration must be given to the need  
26 to promote uniformity of the law with respect to its subject matter among  
27 states that enact it.

28           SECTION 63. That Chapter 10, Title 7, Idaho Code, be, and the same is  
29 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
30 ignated as Section 7-1075, Idaho Code, and to read as follows:

31           7-1075.   TRANSITIONAL PROVISION. This chapter applies to proceedings  
32 begun on or after July 1, 2015, to establish a support order or determine  
33 parentage of a child or to register, recognize, enforce or modify a prior  
34 support order, determination or agreement, whenever issued or entered.

35           SECTION 64. That Section 7-1062, Idaho Code, be, and the same is hereby  
36 amended to read as follows:

37           7-106276.   SEVERABILITY. If any provision of this chapter or its appli-  
38 cation to any person or circumstance is held invalid, the invalidity does not  
39 affect other provisions or applications of this chapter which can be given  
40 effect without the invalid provision or application, and to this end the pro-  
41 visions of this chapter are severable.