

**SENATE BILL No. 105**

By Committee on Judiciary

1-28

1 AN ACT concerning the uniform interstate family support act; amending  
2 K.S.A. 2014 Supp. 23-36,101, 23-36,102, 23-36,103, 23-36,201, 23-  
3 36,202, 23-36,203, 23-36,204, 23-36,205, 23-36,206, 23-36,207, 23-  
4 36,208, 23-36,209, 23-36,301, 23-36,303, 23-36,304, 23-36,305, 23-  
5 36,306, 23-36,307, 23-36,308, 23-36,310, 23-36,311, 23-36,312, 23-  
6 36,313, 23-36,314, 23-36,316, 23-36,317, 23-36,318, 23-36,319, 23-  
7 36,401, 23-36,501, 23-36,502, 23-36,503, 23-36,504, 23-36,505, 23-  
8 36,506, 23-36,507, 23-36,601, 23-36,602, 23-36,603, 23-36,604, 23-  
9 36,605, 23-36,606, 23-36,607, 23-36,608, 23-36,609, 23-36,610, 23-  
10 36,611, 23-36,612, 23-36,613, 23-36,701, 23-36,801, 23-36,802, 23-  
11 36,901 and 23-36,902 and repealing the existing sections.

12  
13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2014 Supp. 23-36,101 is hereby amended to read as  
15 follows: 23-36,101. ~~In this act:~~

16 ~~(a) "Child" means an individual, whether over or under the age of~~  
17 ~~majority, who is or is alleged to be owed a duty of support by the~~  
18 ~~individual's parent or who is or is alleged to be the beneficiary of a support~~  
19 ~~order directed to the parent.~~

20 ~~(b) "Child support order" means a support order for a child, including~~  
21 ~~a child who has attained the age of majority under the law of the issuing~~  
22 ~~state.~~

23 ~~(c) "Duty of support" means an obligation imposed or imposable by~~  
24 ~~law to provide support for a child, spouse or former spouse, including an~~  
25 ~~unsatisfied obligation to provide support.~~

26 ~~(d) "Home state" means the state in which a child lived with a parent~~  
27 ~~or a person acting as parent for at least six consecutive months~~  
28 ~~immediately preceding the time of filing of a petition or comparable~~  
29 ~~pleading for support and, if a child is less than six months old, the state in~~  
30 ~~which the child lived from birth with any of them. A period of temporary~~  
31 ~~absence of any of them is counted as part of the six-month or other period.~~

32 ~~(e) "Income" includes earnings or other periodic entitlements to~~  
33 ~~money from any source and any other property subject to withholding for~~  
34 ~~support under the law of this state.~~

35 ~~(f) "Income withholding order" means an order or other legal process~~  
36 ~~directed to an obligor's employer, or other debtor, as defined by the income~~

1 withholding act, K.S.A. 2014 Supp. 23-3101, and amendments thereto, to  
2 withhold support from the income of the obligor.

3 ~~(g) "Initiating state" means a state from which a proceeding is~~  
4 ~~forwarded or in which a proceeding is filed for forwarding to a responding~~  
5 ~~state under this act or a law or procedure substantially similar to this act,~~  
6 ~~the uniform reciprocal enforcement of support act or the revised uniform~~  
7 ~~reciprocal enforcement of support act.~~

8 ~~(h) "Initiating tribunal" means the authorized tribunal in an initiating~~  
9 ~~state.~~

10 ~~(i) "Issuing state" means the state in which a tribunal issues a support~~  
11 ~~order or renders a judgment determining parentage.~~

12 ~~(j) "Issuing tribunal" means the tribunal that issues a support order or~~  
13 ~~renders a judgment determining parentage.~~

14 ~~(k) "Law" includes decisional and statutory law and rules and~~  
15 ~~regulations having the force of law.~~

16 ~~(l) "Obligee" means:~~

17 ~~(1) An individual to whom a duty of support is or is alleged to be~~  
18 ~~owed or in whose favor a support order has been issued or a judgment~~  
19 ~~determining parentage has been rendered;~~

20 ~~(2) a state or political subdivision to which the rights under a duty of~~  
21 ~~support or support order have been assigned or which has independent~~  
22 ~~claims based on financial assistance provided to an individual obligee; or~~

23 ~~(3) an individual seeking a judgment determining parentage of the~~  
24 ~~individual's child.~~

25 ~~(m) "Obligor" means an individual, or the estate of a decedent:~~

26 ~~(1) Who owes or is alleged to owe a duty of support;~~

27 ~~(2) who is alleged, but has not been, adjudicated to be a parent of a~~  
28 ~~child; or~~

29 ~~(3) who is liable under a support order.~~

30 ~~(n) "Register" means to file a support order or judgment determining~~  
31 ~~parentage in the responding court.~~

32 ~~(o) "Registering tribunal" means a tribunal in which a support order is~~  
33 ~~registered.~~

34 ~~(p) "Responding state" means a state in which a proceeding is filed or~~  
35 ~~to which a proceeding is forwarded for filing from an initiating state under~~  
36 ~~this act or a law or procedure substantially similar to this act, the uniform~~  
37 ~~reciprocal enforcement of support act, or the revised uniform reciprocal~~  
38 ~~enforcement of support act.~~

39 ~~(q) "Responding tribunal" means the authorized tribunal in a~~  
40 ~~responding state.~~

41 ~~(r) "Spousal support order" means a support order for a spouse or~~  
42 ~~former spouse of the obligor.~~

43 ~~(s) "State" means a state of the United States, the District of~~

1 Columbia, Puerto Rico, the United States Virgin Islands, or any territory or  
2 insular possession subject to the jurisdiction of the United States. The term  
3 includes:

4 (1) ~~An Indian tribe; and~~

5 (2) ~~a foreign jurisdiction that has enacted a law or established~~  
6 ~~procedures for issuance and enforcement of support orders which are~~  
7 ~~substantially similar to the procedures under this act, the uniform~~  
8 ~~reciprocal enforcement of support act or the revised uniform reciprocal~~  
9 ~~enforcement of support act.~~

10 (t) ~~"Support enforcement agency" means a public official or agency~~  
11 ~~authorized to seek:~~

12 (1) ~~Enforcement of support orders or laws relating to the duty of~~  
13 ~~support;~~

14 (2) ~~establishment or modification of child support;~~

15 (3) ~~determination of parentage; or~~

16 (4) ~~to locate obligors or their assets.~~

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

22 (v) ~~"Tribunal" means a court, administrative agency or quasi-judicial~~  
23 ~~entity authorized to establish, enforce or modify support orders or to~~  
24 ~~determine parentage. This act may be cited as the uniform interstate family~~  
25 ~~support act.~~

26 Sec. 2. K.S.A. 2014 Supp. 23-36,102 is hereby amended to read as  
27 follows: 23-36,102. ~~The courts are the tribunals of this state. In this act:~~

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

32 (b) *"Child support order" means a support order for a child,*  
33 *including a child who has attained the age of majority under the law of the*  
34 *issuing state or foreign country.*

35 (c) *"Convention" means the convention on the international recovery*  
36 *of child support and other forms of family maintenance, concluded at The*  
37 *Hague on November 23, 2007.*

38 (d) *"Duty of support" means an obligation imposed or imposable by*  
39 *law to provide support for a child, spouse or former spouse, including an*  
40 *unsatisfied obligation to provide support.*

41 (e) *"Foreign country" means a country, including a political*  
42 *subdivision thereof, other than the United States, that authorizes the*  
43 *issuance of support orders and:*

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

3       (2) *which has established a reciprocal arrangement for child support*  
4 *with this state as provided in K.S.A. 2014 Supp. 23-36,308, and*  
5 *amendments thereto;*

6       (3) *which has enacted a law or established procedures for the*  
7 *issuance and enforcement of support orders which are substantially*  
8 *similar to the procedures under this act; or*

9       (4) *in which the convention is in force with respect to the United*  
10 *States.*

11       (f) *"Foreign support order" means a support order of a foreign*  
12 *tribunal.*

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

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

24       (i) *"Income" includes earnings or other periodic entitlements to*  
25 *money from any source and any other property subject to withholding for*  
26 *support under the law of this state.*

27       (j) *"Income withholding order" means an order or other legal process*  
28 *directed to an obligor's employer; or other debtor; as defined by the*  
29 *income withholding act, K.S.A. 2014 Supp. 23-3101, and amendments*  
30 *thereto, to withhold support from the income of the obligor.*

31       (k) *"Initiating tribunal" means the tribunal of a state or foreign*  
32 *country from which a petition or comparable pleading is forwarded or in*  
33 *which a petition or comparable pleading is filed for forwarding to another*  
34 *state or foreign country.*

35       (l) *"Issuing foreign country" means the foreign country in which a*  
36 *tribunal issues a support order or a judgment determining parentage of a*  
37 *child.*

38       (m) *"Issuing state" means the state in which a tribunal issues a*  
39 *support order or a judgment determining parentage of a child.*

40       (n) *"Issuing tribunal" means the tribunal of a state or foreign country*  
41 *that issues a support order or a judgment determining parentage of a*  
42 *child.*

43       (o) *"Law" includes decisional and statutory law and rules and*

1 regulations having the force of law.

2 (p) "Obligee" means:

3 (1) An individual to whom a duty of support is or is alleged to be  
4 owed or in whose favor a support order or a judgment determining  
5 parentage of a child has been issued;

6 (2) a foreign country, state or political subdivision of a state to which  
7 the rights under a duty of support or support order have been assigned or  
8 which has independent claims based on financial assistance provided to  
9 an individual obligee in place of child support;

10 (3) an individual seeking a judgment determining parentage of the  
11 individual's child; or

12 (4) a person that is a creditor in a proceeding under part 7 of this act.

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

14 (1) Owes or is alleged to owe a duty of support;

15 (2) is alleged, but has not been, adjudicated to be a parent of a child;

16 (3) is liable under a support order; or

17 (4) is a debtor in a proceeding under part 7 of this act.

18 (r) "Outside this state" means a location in another state or a country  
19 other than the United States, whether or not the country is a foreign  
20 country.

21 (s) "Person" means an individual, corporation, business trust, estate,  
22 trust, partnership, limited liability company, association, joint venture,  
23 public corporation, government or governmental subdivision, agency, or  
24 instrumentality, or any other legal or commercial entity.

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

28 (u) "Register" means to file in a tribunal of this state a support order  
29 or judgment determining parentage of a child issued in another state or a  
30 foreign country.

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

33 (w) "Responding state" means a state in which a petition or  
34 comparable pleading for support or to determine parentage of a child is  
35 filed or to which a petition or comparable pleading is forwarded for filing  
36 from another state or a foreign country.

37 (x) "Responding tribunal" means the authorized tribunal in a  
38 responding state or foreign country.

39 (y) "Spousal support order" means a support order for a spouse or  
40 former spouse of the obligor.

41 (z) "State" means a state of the United States, the District of  
42 Columbia, Puerto Rico, the United States Virgin Islands, or any territory  
43 or insular possession under the jurisdiction of the United States. The term

1 includes an Indian nation or tribe.

2 (aa) "Support enforcement agency" means a public official,  
3 governmental entity or private agency authorized to:

4 (1) Seek enforcement of support orders or laws relating to the duty of  
5 support;

6 (2) seek establishment or modification of child support;

7 (3) request determination of parentage of a child;

8 (4) attempt to locate obligors or their assets; or

9 (5) request determination of the controlling child support order.

10 (bb) "Support order" means a judgment, decree, order, decision or  
11 directive, whether temporary, final or subject to modification, issued in a  
12 state or foreign country for the benefit of a child, a spouse or a former  
13 spouse, which provides for monetary support, health care, arrearages,  
14 retroactive support or reimbursement for financial assistance provided to  
15 an individual obligee in place of child support. The term may include  
16 related costs and fees, interest, income withholding, automatic adjustment,  
17 reasonable attorney fees and other relief.

18 (cc) "Tribunal" means a court, administrative agency or quasi-  
19 judicial entity authorized to establish, enforce or modify support orders or  
20 to determine parentage of a child.

21 Sec. 3. K.S.A. 2014 Supp. 23-36,103 is hereby amended to read as  
22 follows: 23-36,103. Remedies provided by this act are cumulative and do  
23 not affect the availability of remedies under other law. (a) The courts are  
24 the tribunals of this state.

25 (b) The department for children and families is the support  
26 enforcement agency of this state.

27 New Sec. 4. (a) Remedies provided by this act are cumulative and do  
28 not affect the availability of remedies under other law or the recognition of  
29 a foreign support order on the basis of comity.

30 (b) This act does not:

31 (1) Provide the exclusive method of establishing or enforcing a  
32 support order under the law of this state; or

33 (2) grant a tribunal of this state jurisdiction to render judgment or  
34 issue an order relating to child custody, parenting time or visitation  
35 pursuant to K.S.A. 2014 Supp. 23-3201 et seq., and amendments thereto,  
36 in a proceeding under this act.

37 New Sec. 5. (a) A tribunal of this state shall apply parts 1 through 6 of  
38 this act and, as applicable, part 7 of this act, to a support proceeding  
39 involving:

40 (1) A foreign support order;

41 (2) a foreign tribunal; or

42 (3) an obligee, obligor, or child residing in a foreign country.

43 (b) A tribunal of this state that is requested to recognize and enforce a

1 support order on the basis of comity may apply the procedural and  
2 substantive provisions of parts 1 through 6 of this act.

3 (c) Part 7 of this act applies only to a support proceeding under the  
4 convention. In such a proceeding, if a provision of part 7 of this act is  
5 inconsistent with parts 1 through 6 of this act, part 7 of this act controls.

6 Sec. 6. K.S.A. 2014 Supp. 23-36,201 is hereby amended to read as  
7 follows: 23-36,201. (a) In a proceeding to establish; ~~or enforce or modify~~ a  
8 support order or to determine parentage *of a child*, a tribunal of this state  
9 may exercise personal jurisdiction over a nonresident individual or the  
10 individual's guardian or conservator if:

11 (a) (1) The individual is personally served with notice within this  
12 state;

13 (b) (2) the individual submits to the jurisdiction of this state by  
14 consent *in a record*, by entering a general appearance, or by filing a  
15 responsive document having the effect of waiving any contest to personal  
16 jurisdiction;

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

18 (d) (4) the individual resided in this state and provided prenatal  
19 expenses or support for the child;

20 (e) (5) the child resides in this state as a result of the acts or directives  
21 of the individual;

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

24 (g) (7) the individual asserted parentage *of a child* in the putative  
25 father registry maintained in this state by the secretary of the Kansas  
26 department for children and families; or

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

29 (b) *The bases of personal jurisdiction set forth in subsection (a) or in*  
30 *any other law of this state may not be used to acquire personal jurisdiction*  
31 *for a tribunal of this state to modify a child support order of another state*  
32 *unless the requirements of K.S.A. 2014 Supp. 23-36,611, and amendments*  
33 *thereto, are met, or, in the case of a foreign support order, unless the*  
34 *requirements of section 55, and amendments thereto, are met.*

35 Sec. 7. K.S.A. 2014 Supp. 23-36,202 is hereby amended to read as  
36 follows: 23-36,202. ~~A tribunal of this state exercising personal jurisdiction~~  
37 ~~over a nonresident under K.S.A. 2014 Supp. 23-36,201, and amendments~~  
38 ~~thereto, may apply K.S.A. 2014 Supp. 23-36,316, and amendments thereto~~  
39 ~~(special rules of evidence and procedure), to receive evidence from~~  
40 ~~another state, and K.S.A. 2014 Supp. 23-36,318, and amendments thereto~~  
41 ~~(assistance with discovery), to obtain discovery through a tribunal of~~  
42 ~~another state. In all other respects, K.S.A. 2014 Supp. 23-36,103, 23-~~  
43 ~~36,201 through 23-36,209, 23-36,301 through 23-36,319, 23-36,401, 23-~~

1 ~~36,501, 23-36,502, 23-36,601 through 23-36,612 and 23-36,701, and~~  
2 ~~amendments thereto, do not apply and the tribunal shall apply the~~  
3 ~~procedural and substantive law of this state, including the rules on choice~~  
4 ~~of law other than those established by this act. Personal jurisdiction~~  
5 ~~acquired by a tribunal of this state in a proceeding under this act or other~~  
6 ~~law of this state relating to a support order continues as long as a tribunal~~  
7 ~~of this state has continuing, exclusive jurisdiction to modify its order or~~  
8 ~~continuing jurisdiction to enforce its order as provided by K.S.A. 2014~~  
9 ~~Supp. 23-36,205, 23-36,206 and section 16, and amendments thereto.~~

10 Sec. 8. K.S.A. 2014 Supp. 23-36,203 is hereby amended to read as  
11 follows: 23-36,203. Under this act, a tribunal of this state may serve as an  
12 initiating tribunal to forward proceedings to *a tribunal of* another state and  
13 as a responding tribunal for proceedings initiated in another state *or a*  
14 *foreign country*.

15 Sec. 9. K.S.A. 2014 Supp. 23-36,204 is hereby amended to read as  
16 follows: 23-36,204. (a) A tribunal of this state may exercise jurisdiction to  
17 establish a support order if the petition or comparable pleading is filed  
18 after a ~~petition or comparable~~ pleading is filed in another state *or foreign*  
19 *country* only if:

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

24 (2) the contesting party timely challenges the exercise of jurisdiction  
25 in the other state *or the foreign country*; and

26 (3) if relevant, this state is the home state of the child.

27 (b) A tribunal of this state may not exercise jurisdiction to establish a  
28 support order if the petition or comparable pleading is filed before a  
29 petition or comparable pleading is filed in another state *or a foreign*  
30 *country* if:

31 (1) The petition or comparable pleading in the other state *or foreign*  
32 *country* is filed before the expiration of the time allowed in this state for  
33 filing a responsive pleading challenging the exercise of jurisdiction by this  
34 state;

35 (2) the contesting party timely challenges the exercise of jurisdiction  
36 in this state; and

37 (3) if relevant, the other state *or foreign country* is the home state of  
38 the child.

39 Sec. 10. K.S.A. 2014 Supp. 23-36,205 is hereby amended to read as  
40 follows: 23-36,205. (a) A tribunal of this state ~~issuing that has issued a~~  
41 *child* support order consistent with the law of this state has *and shall*  
42 *exercise* continuing, exclusive jurisdiction ~~over a~~ *to modify its child*  
43 *support order if the order is the controlling order and:*

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

4       (2) ~~until all of the parties who are individuals have filed written~~  
5 ~~consents with the tribunal of this state for a tribunal of another state to~~  
6 ~~modify the order and assume continuing, exclusive jurisdiction even if this~~  
7 ~~state is not the residence of the obligor, the individual obligee, or the child~~  
8 ~~for whose benefit the support order is issued, the parties consent in a~~  
9 ~~record or in open court that the tribunal of this state may continue to~~  
10 ~~exercise jurisdiction to modify its order.~~

11       (b) A tribunal of this state ~~issuing that has issued~~ a child support  
12 order consistent with the law of this state may not exercise its continuing,  
13 *exclusive* jurisdiction to modify the order if ~~the order has been modified by~~  
14 ~~a tribunal of another state pursuant to this act or to a law substantially~~  
15 ~~similar to this act. :~~

16       (1) *All of the parties who are individuals file consent in a record with*  
17 *the tribunal of this state that a tribunal of another state that has*  
18 *jurisdiction over at least one of the parties who is an individual or that is*  
19 *located in the state of residence of the child may modify the order and*  
20 *assume continuing, exclusive jurisdiction; or*

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

22       (c) ~~If a child support order of this state is modified by a tribunal of~~  
23 ~~another state pursuant to this act or to a law substantially similar to this~~  
24 ~~act, a tribunal of this state loses its continuing, exclusive jurisdiction with~~  
25 ~~regard to prospective enforcement of the order issued in this state, and may~~  
26 ~~only:~~

27       (1) ~~Enforce the order that was modified as to amounts accruing before~~  
28 ~~the modification;~~

29       (2) ~~enforce nonmodifiable aspects of that order; and~~

30       (3) ~~provide other appropriate relief for violations of that order which~~  
31 ~~occurred before the effective date of the modification~~ *If a tribunal of*  
32 *another state has issued a child support order pursuant to the uniform*  
33 *interstate family support act or a law substantially similar to that act*  
34 *which modifies a child support order of a tribunal of this state, tribunals*  
35 *of this state shall recognize the continuing, exclusive jurisdiction of the*  
36 *tribunal of the other state.*

37       (d) A tribunal of this state ~~shall recognize the continuing, exclusive~~  
38 ~~jurisdiction of a tribunal of another state which has issued a child support~~  
39 ~~order pursuant to this act or to a law substantially similar to this act~~ *that*  
40 *lacks continuing, exclusive jurisdiction to modify a child support order*  
41 *may serve as an initiating tribunal to request a tribunal of another state to*  
42 *modify a support order issued in that state.*

43       (e) A temporary support order issued ex parte or pending resolution of

1 a jurisdictional conflict does not create continuing, exclusive jurisdiction  
2 in the issuing tribunal.

3 ~~(f) A tribunal of this state issuing a support order consistent with the~~  
4 ~~law of this state has continuing, exclusive jurisdiction over a spousal~~  
5 ~~support order throughout the existence of the support obligation. A tribunal~~  
6 ~~of this state may not modify a spousal support order issued by a tribunal of~~  
7 ~~another state having continuing, exclusive jurisdiction over that order~~  
8 ~~under the law of that state.~~

9 Sec. 11. K.S.A. 2014 Supp. 23-36,206 is hereby amended to read as  
10 follows: 23-36,206. (a) A tribunal of this state *that has issued a child*  
11 *support order consistent with the law of this state* may serve as an  
12 initiating tribunal to request a tribunal of another state to enforce ~~or~~  
13 ~~modify a support order issued in that state :~~

14 (1) *The order if the order is the controlling order and has not been*  
15 *modified by a tribunal of another state that assumed jurisdiction pursuant*  
16 *to the uniform interstate family support act; or*

17 (2) *a money judgment for arrears of support and interest on the order*  
18 *accrued before a determination that an order of a tribunal of another state*  
19 *is the controlling order.*

20 (b) A tribunal of this state having continuing, ~~exclusive~~ jurisdiction  
21 over a support order may act as a responding tribunal to enforce ~~or~~ modify  
22 the order. If a party subject to the continuing, ~~exclusive~~ jurisdiction of the  
23 tribunal no longer resides in the issuing state, in subsequent proceedings  
24 the tribunal may apply K.S.A. 2014 Supp. 23-36,316, and amendments  
25 thereto (special rules of evidence and procedure), to receive evidence from  
26 another state and K.S.A. 2014 Supp. 23-36,318, and amendments thereto  
27 (assistance with discovery), to obtain discovery through a tribunal of  
28 another state.

29 ~~(c) A tribunal of this state which lacks continuing, exclusive~~  
30 ~~jurisdiction over a spousal support order may not serve as a responding~~  
31 ~~tribunal to modify a spousal support order of another state.~~

32 Sec. 12. K.S.A. 2014 Supp. 23-36,207 is hereby amended to read as  
33 follows: 23-36,207. (a) If a proceeding is brought under this act and only  
34 one tribunal has issued a child support order, the order of that tribunal  
35 controls and must be ~~so~~ recognized.

36 (b) If a proceeding is brought under this act, and two or more child  
37 support orders have been issued by tribunals of this state ~~or~~, another state  
38 *or a foreign country* with regard to the same obligor and *same* child, a  
39 tribunal of this state *having personal jurisdiction over both the obligor*  
40 *and individual obligee* shall apply the following rules ~~in determining and~~  
41 ~~by order shall determine~~ which order to recognize ~~for purposes of~~  
42 ~~continuing, exclusive jurisdiction controls and must be recognized:~~

43 (1) If only one of the tribunals would have continuing, exclusive

1 jurisdiction under this act, the order of that tribunal controls ~~and must be~~  
2 ~~so recognized.~~

3 (2) If more than one of the tribunals would have continuing, exclusive  
4 jurisdiction under this act, :

5 (A) An order issued by a tribunal in the current home state of the  
6 child controls ~~and must be so recognized, but ; or~~

7 (B) if an order has not been issued in the current home state of the  
8 child, the order most recently issued controls ~~and must be so recognized.~~

9 (3) If none of the tribunals would have continuing, exclusive  
10 jurisdiction under this act, the tribunal of this state ~~having jurisdiction over~~  
11 ~~the parties~~ shall issue a child support order, which controls ~~and must be so~~  
12 ~~recognized.~~

13 (c) If two or more child support orders have been issued for the same  
14 obligor and *same* child ~~and if the obligor or the individual obligee resides~~  
15 ~~in this state, upon request of a party may request who is an individual or~~  
16 ~~that is a support enforcement agency, a tribunal of this state to having~~  
17 ~~personal jurisdiction over both the obligor and the obligee who is an~~  
18 ~~individual shall determine which order controls and must be so recognized~~  
19 ~~under subsection (b). The request must be accompanied by a certified copy~~  
20 ~~of every support order in effect. The requesting party shall give notice of~~  
21 ~~the request to each party whose rights may be affected by the~~  
22 ~~determination. The request may be filed with a registration for enforcement~~  
23 ~~or registration for modification pursuant to part 6 of this act, or may be~~  
24 ~~filed as a separate proceeding.~~

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

30 (d) (e) The tribunal that issued the controlling order under subsection  
31 (a), (b) or (c) ~~is the tribunal that~~ has continuing, ~~exclusive~~ jurisdiction  
32 ~~under to the extent provided in K.S.A. 2014 Supp. 23-36,205 or 23-36,206,~~  
33 ~~and amendments thereto.~~

34 (e) (f) A tribunal of this state ~~which that~~ determines by order ~~the~~  
35 ~~identity of which is~~ the controlling order under subsection (b)(1) or (2) *or*  
36 (c), ~~or which that~~ issues a new controlling order under subsection (b)(3),  
37 shall state in that order:

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

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

40 (3) *the total amount of consolidated arrears and accrued interest, if*  
41 *any, under all of the orders after all payments made are credited as*  
42 *provided by K.S.A. 2014 Supp. 23-36,209, and amendments thereto.*

43 (f) (g) Within 30 days after issuance of an order determining ~~the~~

1 ~~identity of~~ *which is* the controlling order, the party obtaining the order  
2 shall file a certified copy of it ~~with in~~ each tribunal that issued or  
3 registered an earlier order of child support. A party ~~who obtains or support~~  
4 *enforcement agency obtaining* the order ~~and that~~ fails to file a certified  
5 copy is subject to appropriate sanctions by a tribunal in which the issue of  
6 failure to file arises. The failure to file does not affect the validity or  
7 enforceability of the controlling order.

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

11 Sec. 13. K.S.A. 2014 Supp. 23-36,208 is hereby amended to read as  
12 follows: 23-36,208. In responding to ~~multiple~~ registrations or petitions for  
13 enforcement of two or more child support orders in effect at the same time  
14 with regard to the same obligor and different individual obligees, at least  
15 one of which was issued by a tribunal of another state *or a foreign country*,  
16 a tribunal of this state shall enforce those orders in the same manner as if  
17 the ~~multiple~~ orders had been issued by a tribunal of this state.

18 Sec. 14. K.S.A. 2014 Supp. 23-36,209 is hereby amended to read as  
19 follows: 23-36,209. ~~Amounts~~ *A tribunal of this state shall credit amounts*  
20 *collected and credited for a particular period pursuant to a support order*  
21 *any child support order against the amounts owed for the same period*  
22 *under any other child support order for support of the same child* issued  
23 by a tribunal of *this state*, another state ~~must be credited against the~~  
24 ~~amounts accruing or accrued for the same period under a support order~~  
25 ~~issued by the tribunal of this state or a foreign country.~~

26 New Sec. 15. A tribunal of this state exercising personal jurisdiction  
27 over a nonresident in a proceeding under this act, under other law of this  
28 state relating to a support order, or recognizing a foreign support order  
29 may receive evidence from outside this state pursuant to K.S.A. 2014  
30 Supp. 23-36,316, and amendments thereto, communicate with a tribunal  
31 outside this state pursuant to K.S.A. 2014 Supp. 23-36,317, and  
32 amendments thereto, and obtain discovery through a tribunal outside this  
33 state pursuant to K.S.A. 2014 Supp. 23-36,318, and amendments thereto.  
34 In all other respects, parts 3 through 6 of this act do not apply and the  
35 tribunal shall apply the procedural and substantive law of this state.

36 New Sec. 16. (a) A tribunal of this state issuing a spousal support  
37 order consistent with the law of this state has continuing, exclusive  
38 jurisdiction to modify the spousal support order throughout the existence  
39 of the support obligation.

40 (b) A tribunal of this state may not modify a spousal support order  
41 issued by a tribunal of another state or a foreign country having  
42 continuing, exclusive jurisdiction over that order under the law of that  
43 state or foreign country.

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

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

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

7 Sec. 17. K.S.A. 2014 Supp. 23-36,301 is hereby amended to read as  
8 follows: 23-36,301. (a) Except as otherwise provided in this act, K.S.A.  
9 2014 Supp. 23-36,301 through 23-36,319, and amendments thereto, apply  
10 to all proceedings under this act.

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

12 ~~(1) Establishment of an order for spousal support or child support~~  
13 ~~pursuant to K.S.A. 2014 Supp. 23-36,401, and amendments thereto;~~

14 ~~(2) enforcement of a support order and income withholding order of~~  
15 ~~another state without registration pursuant to K.S.A. 2014 Supp. 23-36,501~~  
16 ~~and 23-36,502, and amendments thereto;~~

17 ~~(3) registration of an order for spousal support or child support of~~  
18 ~~another state for enforcement pursuant to K.S.A. 2014 Supp. 23-36,601~~  
19 ~~through 23-36,612, and amendments thereto;~~

20 ~~(4) modification of an order for child support or spousal support~~  
21 ~~issued by a tribunal of this state pursuant to K.S.A. 2014 Supp. 23-36,203~~  
22 ~~through 23-36,206, and amendments thereto;~~

23 ~~(5) registration of an order for child support of another state for~~  
24 ~~modification pursuant to K.S.A. 2014 Supp. 23-36,601 through 23-36,612,~~  
25 ~~and amendments thereto;~~

26 ~~(6) determination of parentage pursuant to K.S.A. 2014 Supp. 23-~~  
27 ~~36,701, and amendments thereto; and~~

28 ~~(7) assertion of jurisdiction over nonresidents pursuant to K.S.A.~~  
29 ~~2014 Supp. 23-36,201 and 23-36,202, and amendments thereto.~~

30 ~~(e) (b)~~ An individual petitioner or a support enforcement agency may  
31 ~~commence~~ *initiate* a proceeding authorized under this act by filing a  
32 petition in an initiating tribunal for forwarding to a responding tribunal or  
33 by filing a petition or a comparable pleading directly in a tribunal of  
34 another state *or a foreign country* which has or can obtain personal  
35 jurisdiction over the respondent.

36 Sec. 18. K.S.A. 2014 Supp. 23-36,303 is hereby amended to read as  
37 follows: 23-36,303. Except as otherwise provided ~~by~~ *in* this act, a  
38 responding tribunal of this state *shall*:

39 ~~(a) Shall~~ Apply the procedural and substantive law, ~~including the~~  
40 ~~rules on choice of law,~~ generally applicable to similar proceedings  
41 originating in this state and may exercise all powers and provide all  
42 remedies available in those proceedings; and

43 ~~(b) shall~~ determine the duty of support and the amount payable in

1 accordance with the law and support guidelines of this state.

2 Sec. 19. K.S.A. 2014 Supp. 23-36,304 is hereby amended to read as  
3 follows: 23-36,304. (a) Upon the filing of a petition authorized by this act,  
4 an initiating tribunal of this state shall forward ~~three copies of~~ the petition  
5 and its accompanying documents:

6 (1) To the responding tribunal or appropriate support enforcement  
7 agency in the responding state; or

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

11 (b) ~~If a responding state has not enacted this act or a law or procedure~~  
12 ~~substantially similar to this act requested by the responding tribunal, a~~  
13 ~~tribunal of this state may shall~~ issue a certificate or other document and  
14 make findings required by the law of the responding state. If the  
15 ~~responding state tribunal is in a foreign jurisdiction country, upon request~~  
16 ~~the tribunal may of this state shall~~ specify the amount of support sought,  
17 *convert that amount into the equivalent amount in the foreign currency*  
18 *under applicable official or market exchange rate as publicly reported* and  
19 provide *any* other documents necessary to satisfy the requirements of the  
20 ~~responding state foreign tribunal.~~

21 Sec. 20. K.S.A. 2014 Supp. 23-36,305 is hereby amended to read as  
22 follows: 23-36,305. (a) When a responding tribunal of this state receives a  
23 petition or comparable pleading from an initiating tribunal or directly  
24 pursuant to ~~subsection (e) of K.S.A. 2014 Supp. 23-36,301(b), and~~  
25 ~~amendments thereto (proceedings under this act), it shall cause the petition~~  
26 ~~or pleading to be filed and notify the petitioner only by personal service or~~  
27 ~~registered mail, return receipt requested where and when it was filed.~~

28 (b) A responding tribunal of this state, to the extent ~~otherwise~~  
29 ~~authorized~~ *not prohibited by other law*, may do one or more of the  
30 following:

31 (1) ~~Issue~~ *Establish* or enforce a support order, modify a child support  
32 order, *determine the controlling support order* or ~~render a judgment to~~  
33 *determine parentage of a child*;

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

36 (3) order income withholding;

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

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

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

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

42 (8) order an obligor to keep the tribunal informed of the obligor's  
43 current residential address, *electronic-mail address*, telephone number,

1 employer, address of employment and telephone number at the place of  
2 employment;

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

6 (10) order the obligor to seek appropriate employment by specified  
7 methods;

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

9 (12) grant any other available remedy.

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

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

16 (e) If a responding tribunal of this state issues an order under this act,  
17 the tribunal shall send a copy of the order to the petitioner ~~only by~~  
18 ~~personal service or registered mail, return receipt requested~~ and the  
19 respondent and to the initiating tribunal, if any.

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

25 Sec. 21. K.S.A. 2014 Supp. 23-36,306 is hereby amended to read as  
26 follows: 23-36,306. If a petition or comparable pleading is received by an  
27 inappropriate tribunal of this state, ~~the tribunal~~ shall forward the  
28 pleading and accompanying documents to an appropriate tribunal ~~in~~ of this  
29 state or another state and notify the petitioner ~~only by personal service or~~  
30 ~~registered mail, return receipt requested~~ where and when the pleading was  
31 sent.

32 Sec. 22. K.S.A. 2014 Supp. 23-36,307 is hereby amended to read as  
33 follows: 23-36,307. (a) A support enforcement agency of this state, upon  
34 request, shall provide services to a petitioner in a proceeding under this  
35 act.

36 (b) A support enforcement agency *of this state* that is providing  
37 services to the petitioner ~~as appropriate~~ shall:

38 (1) Take all steps necessary to enable an appropriate tribunal ~~in this~~  
39 ~~state or another state~~ *of this state, another state or a foreign country* to  
40 obtain jurisdiction over the respondent;

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

43 (3) make a reasonable effort to obtain all relevant information,

1 including information as to income and property of the parties;

2 (4) within two days, exclusive of Saturdays, Sundays; *and* legal  
3 holidays, ~~and days on which the office of the clerk of the court is not~~  
4 ~~accessible~~, after receipt of a written notice *in a record* from an initiating,  
5 responding or registering tribunal, send a copy of the notice ~~only by~~  
6 ~~personal service or registered mail~~, return receipt requested to the  
7 petitioner;

8 (5) within two days, exclusive of Saturdays, Sundays; *and* legal  
9 holidays, ~~and days on which the office of the clerk of the court is not~~  
10 ~~accessible~~, after receipt of a written communication *in a record* from the  
11 respondent or the respondent's attorney, send a copy of the communication  
12 to the petitioner; and

13 (6) notify the petitioner if jurisdiction over the respondent cannot be  
14 obtained.

15 (c) *A support enforcement agency of this state that requests*  
16 *registration of a child support order in this state for enforcement or for*  
17 *modification shall make reasonable efforts:*

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

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

23 (d) *A support enforcement agency of this state that requests*  
24 *registration and enforcement of a support order, arrears, or judgment*  
25 *stated in a foreign currency shall convert the amounts stated in the foreign*  
26 *currency into the equivalent amounts in dollars under the applicable*  
27 *official or market exchange rate as publicly reported.*

28 (e) *A support enforcement agency of this state shall request a tribunal*  
29 *of this state to issue a child support order and an income withholding*  
30 *order that redirects payment of current support, arrears, and interest if*  
31 *requested to do so by a support enforcement agency of another state*  
32 *pursuant to K.S.A. 2014 Supp. 23-36,319, and amendments thereto.*

33 (f) This act does not create or negate a relationship of attorney and  
34 client or other fiduciary relationship between a support enforcement  
35 agency or the attorney for the agency and the individual being assisted by  
36 the agency.

37 Sec. 23. K.S.A. 2014 Supp. 23-36,308 is hereby amended to read as  
38 follows: 23-36,308. (a) If the attorney general determines that the support  
39 enforcement agency is neglecting or refusing to provide services to an  
40 individual, the attorney general may order the agency to perform its duties  
41 under this act or may provide those services directly to the individual.

42 (b) *The attorney general may determine that a foreign country has*  
43 *established a reciprocal arrangement for child support with this state and*

1 *take appropriate action for notification of the determination.*

2 Sec. 24. K.S.A. 2014 Supp. 23-36,310 is hereby amended to read as  
3 follows: 23-36,310. (a) The Kansas department for children and families is  
4 the state information agency under this act.

5 (b) The state information agency shall:

6 (1) Compile and maintain a current list, including addresses, of the  
7 tribunals in this state which have jurisdiction under this act and any  
8 support enforcement agencies in this state and transmit a copy to the state  
9 information agency of every other state;

10 (2) maintain a register of *names and addresses of* tribunals and  
11 support enforcement agencies received from other states;

12 (3) forward to the appropriate tribunal in the ~~place~~ *county* in this state  
13 in which the ~~individual~~ obligee *who is an individual* or the obligor resides,  
14 or in which the obligor's property is believed to be located, all documents  
15 concerning a proceeding under this act received from ~~an initiating tribunal~~  
16 ~~or the state information agency of the initiating state~~ *another state or a*  
17 *foreign country*; and

18 (4) obtain information concerning the location of the obligor and the  
19 obligor's property within this state not exempt from execution, by such  
20 means as postal verification and federal or state locator services,  
21 examination of telephone directories, requests for the obligor's address  
22 from employers, and examination of governmental records, including, to  
23 the extent not prohibited by other law, those relating to real property, vital  
24 statistics, law enforcement, taxation, motor vehicles, drivers' licenses and  
25 social security.

26 Sec. 25. K.S.A. 2014 Supp. 23-36,311 is hereby amended to read as  
27 follows: 23-36,311. (a) ~~In a proceeding under this act~~, a petitioner seeking  
28 to establish ~~or modify~~ a support order ~~or~~, to determine parentage ~~in a~~  
29 ~~proceeding under this act of a child or to register and modify a support~~  
30 ~~order of a tribunal of another state or a foreign country~~ must ~~verify the~~  
31 ~~file a~~ petition. Unless otherwise ordered under K.S.A. 2014 Supp. 23-  
32 36,312, and amendments thereto (~~nondisclosure of information in~~  
33 ~~exceptional circumstances~~), the petition or accompanying documents must  
34 provide, so far as known, the name, residential address and social security  
35 numbers of the obligor and the obligee *or the parent and alleged parent*,  
36 and the name, sex, residential address, social security number and date of  
37 birth of each child for ~~whom~~ *whose benefit* support is sought *or whose*  
38 *parentage is to be determined*. Unless filed at the time of registration, the  
39 petition must be accompanied by a ~~certified~~ copy of any support order ~~in~~  
40 ~~effect known to have been issued by another tribunal~~. The petition may  
41 include any other information that may assist in locating or identifying the  
42 respondent.

43 (b) The petition must specify the relief sought. The petition and

1 accompanying documents must conform substantially with the  
2 requirements imposed by the forms mandated by federal law for use in  
3 cases filed by a support enforcement agency.

4 Sec. 26. K.S.A. 2014 Supp. 23-36,312 is hereby amended to read as  
5 follows: 23-36,312. ~~Upon a finding, which may be made ex parte, that the~~  
6 ~~health, safety or liberty of a party or child would be unreasonably put at~~  
7 ~~risk by the disclosure of identifying information, or if an existing order so~~  
8 ~~provides, a tribunal shall order that the address of the child or party or~~  
9 ~~other identifying information not be disclosed in a pleading or other~~  
10 ~~document filed in a proceeding under this act. *If a party alleges in an*~~  
11 ~~*affidavit or a pleading under oath that the health, safety or liberty of a*~~  
12 ~~*party or child would be jeopardized by disclosure of specific identifying*~~  
13 ~~*information, that information must be sealed and may not be disclosed to*~~  
14 ~~*the other party or the public. After a hearing in which a tribunal takes*~~  
15 ~~*into consideration the health, safety or liberty of the party or child, the*~~  
16 ~~*tribunal may order disclosure of information that the tribunal determines*~~  
17 ~~*to be in the interest of justice.*~~

18 Sec. 27. K.S.A. 2014 Supp. 23-36,313 is hereby amended to read as  
19 follows: 23-36,313. (a) The petitioner may not be required to pay a filing  
20 fee or other costs.

21 (b) If an obligee prevails, a responding tribunal *of this state* may  
22 assess against an obligor filing fees, reasonable attorney fees, other costs  
23 and necessary travel and other reasonable expenses incurred by the obligee  
24 and the obligee's witnesses. The tribunal may not assess fees, costs or  
25 expenses against the obligee or the support enforcement agency of either  
26 the initiating or the responding state *or foreign country*, except as provided  
27 by other law. Attorney fees may be taxed as costs, and may be ordered  
28 paid directly to the attorney, who may enforce the order in the attorney's  
29 own name. Payment of support owed to the obligee has priority over fees,  
30 costs and expenses.

31 (c) The tribunal ~~may~~ *shall* order the payment of costs and reasonable  
32 attorney fees if it determines that a hearing was requested primarily for  
33 delay. *In a proceeding under part 6, a hearing is presumed to have been*  
34 *requested primarily for delay if a registered support order is confirmed or*  
35 *enforced without change.*

36 Sec. 28. K.S.A. 2014 Supp. 23-36,314 is hereby amended to read as  
37 follows: 23-36,314. (a) Participation by a petitioner in a proceeding *under*  
38 *this act* before a responding tribunal, whether in person, by private  
39 attorney, or through services provided by the support enforcement agency,  
40 does not confer personal jurisdiction over the petitioner in another  
41 proceeding.

42 (b) A petitioner is not amenable to service of civil process while  
43 physically present in this state to participate in a proceeding under this act.

1 (c) The immunity granted by this section does not extend to civil  
2 litigation based on acts unrelated to a proceeding under this act committed  
3 by a party while present in this state to participate in the proceeding.

4 Sec. 29. K.S.A. 2014 Supp. 23-36,316 is hereby amended to read as  
5 follows: 23-36,316. (a) The physical presence of ~~the petitioner~~ *a*  
6 *nonresident party who is an individual* in a ~~responding~~ tribunal of this state  
7 is not required for the establishment, enforcement or modification of a  
8 support order or the rendition of a judgment determining parentage *of a*  
9 *child*.

10 (b) ~~A verified petition, An affidavit or, a document substantially~~  
11 ~~complying with federally mandated forms, and or a document~~  
12 ~~incorporated by reference in any of them, which would not be excluded~~  
13 ~~under the hearsay rule if given in person, is admissible in evidence if given~~  
14 ~~under oath penalty of perjury by a party or witness residing in another~~  
15 ~~outside this state.~~

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

20 (d) Copies of bills for testing for parentage *of a child*, and for prenatal  
21 and postnatal health care of the mother and child, furnished to the adverse  
22 party at least 10 days before trial, are admissible in evidence to prove the  
23 amount of the charges billed and that the charges were reasonable,  
24 necessary and customary.

25 (e) Documentary evidence transmitted from ~~another~~ *outside this* state  
26 to a tribunal of this state by telephone, ~~teletypes~~ *telecopier* or other  
27 *electronic* means that do not provide an original ~~writing~~ *record* may not be  
28 excluded from evidence on an objection based on the means of  
29 transmission.

30 (f) In a proceeding under this act, a tribunal of this state ~~may shall~~  
31 permit a party or witness residing ~~in another~~ *outside this* state to be  
32 deposed or to testify *under penalty of perjury* by telephone, audiovisual  
33 means or other electronic means at a designated tribunal or other location  
34 ~~in that state~~. A tribunal of this state shall cooperate with *other* tribunals ~~of~~  
35 ~~other states~~ in designating an appropriate location for the deposition or  
36 testimony.

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

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

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

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

3       Sec. 30. K.S.A. 2014 Supp. 23-36,317 is hereby amended to read as  
4 follows: 23-36,317. A tribunal of this state may communicate with a  
5 tribunal ~~of another~~ *outside this state* in ~~writing; a record~~ or by telephone,  
6 *electronic mail* or other means, to obtain information concerning the laws  
7 ~~of that state~~, the legal effect of a judgment, decree or order of that tribunal,  
8 and the status of a proceeding ~~in the other state~~. A tribunal of this state  
9 may furnish similar information by similar means to a tribunal ~~of another~~  
10 *outside this state*.

11       Sec. 31. K.S.A. 2014 Supp. 23-36,318 is hereby amended to read as  
12 follows: 23-36,318. A tribunal of this state may:

13       (a) Request a tribunal ~~of another~~ *outside this state* to assist in  
14 obtaining discovery; and

15       (b) upon request, compel a person over ~~whom~~ *which* it has  
16 jurisdiction to respond to a discovery order issued by a tribunal ~~of another~~  
17 *outside this state*.

18       Sec. 32. K.S.A. 2014 Supp. 23-36,319 is hereby amended to read as  
19 follows: 23-36,319. (a) A support enforcement agency or tribunal of this  
20 state shall disburse promptly any amounts received pursuant to a support  
21 order, as directed by the order. The agency or tribunal shall furnish to a  
22 requesting party or tribunal of another state *or a foreign country* a certified  
23 statement by the custodian of the record of the amounts and dates of all  
24 payments received.

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

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

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

35       (c) *The support enforcement agency of this state receiving redirected*  
36 *payments from another state pursuant to a law similar to subsection (b)*  
37 *shall furnish to a requesting party or tribunal of the other state a certified*  
38 *statement by the custodian of the record of the amount and dates of all*  
39 *payments received.*

40       Sec. 33. K.S.A. 2014 Supp. 23-36,401 is hereby amended to read as  
41 follows: 23-36,401. (a) If a support order entitled to recognition under this  
42 act has not been issued, a responding tribunal of this state *with personal*  
43 *jurisdiction over the parties* may issue a support order if:

1 (1) The individual seeking the order resides ~~in another~~ *outside this*  
2 state; or

3 (2) the support enforcement agency seeking the order is located ~~in~~  
4 ~~another~~ *outside this* state.

5 (b) The tribunal may issue a temporary child support order if *the*  
6 *tribunal determines that such an order is appropriate and the individual*  
7 *ordered to pay is:*

8 ~~(1) The respondent has signed a verified statement acknowledging~~  
9 ~~parentage;~~

10 ~~(2) the respondent has been determined by or pursuant to law to be~~  
11 ~~the parent; or~~

12 ~~(3) there is other clear and convincing evidence that the respondent is~~  
13 ~~the child's parent~~

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

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

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

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

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

20 (6) *an acknowledged father as provided by K.S.A. 2014 Supp. 23-*  
21 *2201 et seq., and amendments thereto;*

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

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

25 (c) Upon finding, after notice and opportunity to be heard, that an  
26 obligor owes a duty of support, the tribunal shall issue a support order  
27 directed to the obligor and may issue other orders pursuant to K.S.A. 2014  
28 Supp. 23-36,305, and amendments thereto ~~(duties and powers of~~  
29 ~~responding tribunal).~~

30 New Sec. 34. A tribunal of this state authorized to determine  
31 parentage of a child may serve as a responding tribunal in a proceeding to  
32 determine parentage of a child brought under this act or a law or procedure  
33 substantially similar to this act.

34 Sec. 35. K.S.A. 2014 Supp. 23-36,501 is hereby amended to read as  
35 follows: 23-36,501. An income withholding order issued in another state  
36 may be sent *by or on behalf of the obligee, or by the support enforcement*  
37 *agency*, to the person ~~or entity~~ defined as the obligor's employer under the  
38 income withholding act, K.S.A. 2014 Supp. 23-3101 et seq., and  
39 amendments thereto, without first filing a petition or comparable pleading  
40 or registering the order with a tribunal of this state.

41 Sec. 36. K.S.A. 2014 Supp. 23-36,502 is hereby amended to read as  
42 follows: 23-36,502. (a) Upon receipt of an income withholding order, the  
43 obligor's employer shall immediately provide a copy of the order to the

1 obligor.

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

5 (c) Except as otherwise provided in subsection (d) and K.S.A. 2014  
6 Supp. 23-36,503, and amendments thereto, the employer shall withhold  
7 and distribute the funds as directed in the withholding order by complying  
8 with terms of the order which specify:

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

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

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

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

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

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

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

26 (2) the maximum amount permitted to be withheld from the obligor's  
27 income; and

28 (3) the times within which the employer must implement the  
29 withholding order and forward the child support payment.

30 Sec. 37. K.S.A. 2014 Supp. 23-36,503 is hereby amended to read as  
31 follows: 23-36,503. If an obligor's employer receives ~~multiple~~ *two or more*  
32 income withholding orders with respect to the earnings of the same  
33 obligor, the employer satisfies the terms of the ~~multiple~~ orders if the  
34 employer complies with the law of the state of the obligor's principal place  
35 of employment ~~with that employer~~ to establish the priorities for  
36 withholding and allocating income withheld for ~~multiple~~ *two or more* child  
37 support obligees.

38 Sec. 38. K.S.A. 2014 Supp. 23-36,504 is hereby amended to read as  
39 follows: 23-36,504. An employer ~~who~~ *that* complies with an income  
40 withholding order issued in another state in accordance with this article is  
41 not subject to civil liability to an individual or agency with regard to the  
42 employer's withholding of child support from the obligor's income.

43 Sec. 39. K.S.A. 2014 Supp. 23-36,505 is hereby amended to read as

1 follows: 23-36,505. An employer ~~who~~ *that* willfully fails to comply with  
2 an income withholding order issued ~~by~~ *in* another state and received for  
3 enforcement is subject to the same penalties that may be imposed for  
4 noncompliance with an order issued by a tribunal of this state.

5 Sec. 40. K.S.A. 2014 Supp. 23-36,506 is hereby amended to read as  
6 follows: 23-36,506. (a) An obligor may contest the validity or enforcement  
7 of an income withholding order issued in another state and received  
8 directly by an employer in this state *by registering the order in a tribunal*  
9 *of this state and filing a contest to that order as provided in part 6 of this*  
10 *act, or otherwise contesting the order* in the same manner as if the order  
11 had been issued by a tribunal of this state. ~~K.S.A. 2014 Supp. 23-36,604,~~  
12 ~~and amendments thereto (choice of law), applies to the contest.~~

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

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

15 (2) each employer that has directly received an income withholding  
16 order *relating to the obligor*; and

17 (3) the person ~~or agency~~ designated to receive payments in the  
18 income withholding order or, if no person ~~or agency~~ is designated, to the  
19 obligee.

20 Sec. 41. K.S.A. 2014 Supp. 23-36,507 is hereby amended to read as  
21 follows: 23-36,507. (a) A party *or support enforcement agency* seeking to  
22 enforce a support order or an income withholding order, or both, issued ~~by~~  
23 ~~a tribunal of~~ *in* another state *or a foreign support order* may send the  
24 documents required for registering the order to a support enforcement  
25 agency of this state.

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

34 Sec. 42. K.S.A. 2014 Supp. 23-36,601 is hereby amended to read as  
35 follows: 23-36,601. A support order ~~or an~~ income withholding order issued  
36 ~~by a tribunal of~~ *in* another state *or a foreign support order* may be  
37 registered in this state for enforcement.

38 Sec. 43. K.S.A. 2014 Supp. 23-36,602 is hereby amended to read as  
39 follows: 23-36,602. (a) *Except as otherwise provided in section 62, and*  
40 *amendments thereto*, a support order or income withholding order of  
41 another state *or a foreign support order* may be registered in this state by  
42 sending the following ~~documents and information records~~ to the  
43 ~~responding~~ *appropriate* tribunal in this state:

- 1 (1) A letter of transmittal to the tribunal requesting registration and  
2 enforcement;
- 3 (2) two copies, including one certified copy, of ~~all orders~~ *the order* to  
4 be registered, including any modification of ~~an~~ *the* order;
- 5 (3) a sworn statement by the ~~party seeking~~ *person requesting*  
6 registration or a certified statement by the custodian of the records  
7 showing the amount of any arrearage;
- 8 (4) the name of the obligor and, if known:
- 9 (A) The obligor's address and social security number;
- 10 (B) the name and address of the obligor's employer and any other  
11 source of income of the obligor; and
- 12 (C) a description and the location of property of the obligor in this  
13 state not exempt from execution; and
- 14 (5) *except as otherwise provided in K.S.A. 2014 Supp. 23-36,312, and*  
15 *amendments thereto*, the name and address of the obligee and, if applicable,  
16 ~~the agency or person to whom support payments are to be remitted.~~
- 17 (b) On receipt of a request for registration, the registering tribunal  
18 shall cause the order to be filed as ~~a foreign judgment~~ *an order of a*  
19 *tribunal of another state or a foreign support order*, together with one  
20 copy of the documents and information, regardless of their form.
- 21 (c) A petition or comparable pleading seeking a remedy that must be  
22 affirmatively sought under other law of this state may be filed at the same  
23 time as the request for registration or later. The pleading must specify the  
24 grounds for the remedy sought.
- 25 (d) *If two or more orders are in effect, the person requesting*  
26 *registration shall:*
- 27 (1) *Furnish to the tribunal a copy of every support order asserted to*  
28 *be in effect in addition to the documents specified in this section;*
- 29 (2) *specify the order alleged to be the controlling order, if any; and*
- 30 (3) *specify the amount of consolidated arrears, if any.*
- 31 (e) *A request for a determination of which is the controlling order*  
32 *may be filed separately or with a request for registration and enforcement*  
33 *or for registration and modification. The person requesting registration*  
34 *shall give notice of the request to each party whose rights may be affected*  
35 *by the determination.*
- 36 Sec. 44. K.S.A. 2014 Supp. 23-36,603 is hereby amended to read as  
37 follows: 23-36,603. (a) A support order or income withholding order  
38 issued in another state *or a foreign support order* is registered when the  
39 order is filed in the registering tribunal of this state.
- 40 (b) A registered *support* order issued in another state *or a foreign*  
41 *country* is enforceable in the same manner and is subject to the same  
42 procedures as an order issued by a tribunal of this state.
- 43 (c) Except as otherwise provided in ~~K.S.A. 2014 Supp. 23-36,602~~

1 ~~through 23-36,612~~ *this act*, a tribunal of this state shall recognize and  
 2 enforce, but may not modify, a registered *support* order if the issuing  
 3 tribunal had jurisdiction.

4 Sec. 45. K.S.A. 2014 Supp. 23-36,604 is hereby amended to read as  
 5 follows: 23-36,604. (a) *Except as otherwise provided in subsection (d)*, the  
 6 law of the issuing state *or foreign country* governs:

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

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

11 (3) *the existence and satisfaction of other obligations under the*  
 12 *support order*.

13 (b) In a proceeding for ~~arrearages~~ *arrears under a registered support*  
 14 *order*, the statute of limitation ~~under the laws~~ of this state, or of the issuing  
 15 state *or foreign country*, whichever is longer, applies.

16 (c) *A responding tribunal of this state shall apply the procedures and*  
 17 *remedies of this state to enforce current support and collect arrears and*  
 18 *interest due on a support order of another state or a foreign country*  
 19 *registered in this state*.

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

25 Sec. 46. K.S.A. 2014 Supp. 23-36,605 is hereby amended to read as  
 26 follows: 23-36,605. (a) When a support order or income withholding order  
 27 issued in another state *or a foreign support order* is registered, the  
 28 registering tribunal *of this state* shall notify the nonregistering party.  
 29 ~~Notice shall be only by personal service or registered mail, return receipt~~  
 30 ~~requested~~. The notice must be accompanied by a copy of the registered  
 31 order and the documents and relevant information accompanying the  
 32 order.

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

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

37 (2) that a hearing to contest the validity or enforcement of the  
 38 registered order must be requested within 20 days after ~~the date of mailing~~  
 39 ~~or personal service of the notice unless the registered order is under~~  
 40 *section 63, and amendments thereto*;

41 (3) that failure to contest the validity or enforcement of the registered  
 42 order in a timely manner will result in confirmation of the order and  
 43 enforcement of the order and the alleged arrearages ~~and precludes further~~

1 ~~contest of that order with respect to any matter that could have been~~  
 2 ~~asserted; and~~

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

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

6 (1) *Identify the two or more orders and the order alleged by the*  
 7 *registering party to be the controlling order and the consolidated arrears,*  
 8 *if any;*

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

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

13 (4) *state that failure to contest the validity or enforcement of the*  
 14 *order alleged to be the controlling order in a timely manner may result in*  
 15 *confirmation that the order is the controlling order.*

16 ~~(e)~~ (d) Upon registration of an income withholding order for  
 17 enforcement, *the support enforcement agency* or the registering tribunal  
 18 shall notify the obligor's employer pursuant to the income withholding act,  
 19 K.S.A. 2014 Supp. 23-3101 et seq., and amendments thereto.

20 Sec. 47. K.S.A. 2014 Supp. 23-36,606 is hereby amended to read as  
 21 follows: 23-36,606. (a) A nonregistering party seeking to contest the  
 22 validity or enforcement of a registered *support* order in this state shall  
 23 request a hearing within ~~20 days after the date of mailing or personal~~  
 24 ~~service of notice of the registration~~ *the time required by K.S.A. 2014 Supp.*  
 25 *23-36,605, and amendments thereto.* The nonregistering party may seek to  
 26 vacate the registration, to assert any defense to an allegation of  
 27 noncompliance with the registered order, or to contest the remedies being  
 28 sought or the amount of any alleged arrearages pursuant to K.S.A. 2014  
 29 Supp. 23-36,607, and amendments thereto ~~(contest of registration or~~  
 30 ~~enforcement).~~

31 (b) If the nonregistering party fails to contest the validity or  
 32 enforcement of the registered *support* order in a timely manner, the order  
 33 is confirmed by operation of law.

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

38 Sec. 48. K.S.A. 2014 Supp. 23-36,607 is hereby amended to read as  
 39 follows: 23-36,607. (a) A party contesting the validity or enforcement of a  
 40 registered *support* order or seeking to vacate the registration has the  
 41 burden of proving one or more of the following defenses:

42 (1) The issuing tribunal lacked personal jurisdiction over the  
 43 contesting party;

- 1 (2) the order was obtained by fraud;
- 2 (3) the order has been vacated, suspended or modified by a later  
3 order;
- 4 (4) the issuing tribunal has stayed the order pending appeal;
- 5 (5) there is a defense under the law of this state to the remedy sought;
- 6 (6) full or partial payment has been made; ~~or~~
- 7 (7) the statute of limitations under K.S.A. 2014 Supp. 23-36,604, and  
8 amendments thereto (~~choice of law~~), precludes enforcement of some or all  
9 of the *alleged* arrearages; *or*

10 (8) *the alleged controlling order is not the controlling order.*

11 (b) If a party presents evidence establishing a full or partial defense  
12 under subsection (a), a tribunal may stay enforcement of ~~the a~~ registered  
13 *support* order, continue the proceeding to permit production of additional  
14 relevant evidence, and issue other appropriate orders. An uncontested  
15 portion of the registered *support* order may be enforced by all remedies  
16 available under the law of this state.

17 (c) If the contesting party does not establish a defense under  
18 subsection (a) to the validity or enforcement of ~~the a~~ registered *support*  
19 order, the registering tribunal shall issue an order confirming the order.

20 Sec. 49. K.S.A. 2014 Supp. 23-36,608 is hereby amended to read as  
21 follows: 23-36,608. Confirmation of a registered *support* order, whether by  
22 operation of law or after notice and hearing, precludes further contest of  
23 the order with respect to any matter that could have been asserted at the  
24 time of registration.

25 Sec. 50. K.S.A. 2014 Supp. 23-36,609 is hereby amended to read as  
26 follows: 23-36,609. A party or support enforcement agency seeking to  
27 modify, or to modify and enforce, a child support order issued in another  
28 state shall register that order in this state in the same manner provided in  
29 K.S.A. 2014 Supp. 23-36,601 through ~~23-36,604~~ 23-36,608, and  
30 amendments thereto, if the order has not been registered. A petition for  
31 modification may be filed at the same time as a request for registration, or  
32 later. The pleading must specify the grounds for modification.

33 Sec. 51. K.S.A. 2014 Supp. 23-36,610 is hereby amended to read as  
34 follows: 23-36,610. A tribunal of this state may enforce a child support  
35 order of another state registered for purposes of modification, in the same  
36 manner as if the order had been issued by a tribunal of this state, but the  
37 registered *support* order may be modified only if the requirements of  
38 K.S.A. 2014 Supp. 23-36,611 *or* 23-36,613, and amendments thereto  
39 (~~modification of child support order of another state~~), have been met.

40 Sec. 52. K.S.A. 2014 Supp. 23-36,611 is hereby amended to read as  
41 follows: 23-36,611. (a) ~~After~~ *If K.S.A. 2014 Supp. 23-36,613, and*  
42 *amendments thereto, does not apply, upon petition a tribunal of this state*  
43 *may modify a child support order issued in another state ~~has been~~ which is*

1 registered in this state, ~~the responding tribunal of this state may modify~~  
 2 ~~that order only if K.S.A. 2014 Supp. 23-36,613, and amendments thereto,~~  
 3 ~~does not apply and if, after notice and hearing it the tribunal finds that:~~

4 (1) The following requirements are met:

5 (A) *Neither the child, nor the individual obligee—and who is an*  
 6 *individual, nor the obligor do not reside resides* in the issuing state;

7 (B) a petitioner who is a nonresident of this state seeks modification;  
 8 and

9 (C) the respondent is subject to the personal jurisdiction of the  
 10 tribunal of this state; or

11 (2) *this state is the state of residence of the child, or a party who is an*  
 12 *individual; is subject to the personal jurisdiction of the tribunal of this*  
 13 *state, and all of the parties who are individuals have filed-written consents*  
 14 *in a record* in the issuing tribunal for a tribunal of this state to modify the  
 15 support order and assume continuing, exclusive jurisdiction ~~over the order.~~  
 16 ~~However, if the issuing state is a foreign jurisdiction that has not enacted a~~  
 17 ~~law or established procedures substantially similar to the procedures under~~  
 18 ~~this act, the consent otherwise required of an individual residing in this~~  
 19 ~~state is not required for the tribunal of this state to assume jurisdiction to~~  
 20 ~~modify the child support order.~~

21 (b) Modification of a registered child support order is subject to the  
 22 same requirements, procedures and defenses that apply to the modification  
 23 of an order issued by a tribunal of this state and the order may be enforced  
 24 and satisfied in the same manner.

25 (c) A tribunal of this state may not modify any aspect of a child  
 26 support order that may not be modified under the law of the issuing state,  
 27 *including the duration of the obligation of support.* If two or more  
 28 tribunals have issued child support orders for the same obligor and child,  
 29 the order that controls and must be so recognized under K.S.A. 2014 Supp.  
 30 23-36,207, and amendments thereto, establishes the aspects of the support  
 31 order which are nonmodifiable.

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

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

40 (f) *Notwithstanding subsections (a) through (e) and K.S.A. 2014*  
 41 *Supp. 23-36,201(b), and amendments thereto, a tribunal of this state*  
 42 *retains jurisdiction to modify an order issued by a tribunal of this state if:*

43 (1) *One party resides in another state; and*

1       (2) *the other party resides outside the United States.*

2       Sec. 53. K.S.A. 2014 Supp. 23-36,612 is hereby amended to read as  
3 follows: 23-36,612. *If a child support order issued by a tribunal of this*  
4 *state shall recognize a modification of its earlier child support order is*  
5 *modified by a tribunal of another state which assumed jurisdiction*  
6 *pursuant to a law substantially similar to this act and, upon request, except*  
7 *as otherwise provided in this act, shall the uniform interstate family*  
8 *support act, a tribunal of this state:*

9       (a) *May enforce the its order that was modified only as to amounts*  
10 *arrears and interest accruing before the modification;*

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

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

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

16       Sec. 54. K.S.A. 2014 Supp. 23-36,613 is hereby amended to read as  
17 follows: 23-36,613. (a) If all of the parties who are individuals reside in  
18 this state and the child does not reside in the issuing state, a tribunal of this  
19 state has jurisdiction to enforce and to modify the issuing state's child  
20 support order in a proceeding to register that order.

21       (b) A tribunal of this state exercising jurisdiction under this section  
22 shall apply the provisions of ~~K.S.A. 2014 Supp. 23-3102, 23-3103, 23-~~  
23 ~~36,101, 23-36,102, 23-36,103, 23-36,201 through 23-36,209, 23-36,601~~  
24 ~~through 23-36,611, and amendments thereto, parts 1 and 2 of this act, this~~  
25 *part and the procedural and substantive law of this state to the proceeding*  
26 *for enforcement or modification. K.S.A. 2014 Supp. 23-36,301 et seq., 23-*  
27 ~~36,401, 23-36,501, 23-36,502, 23-36,701 and 23-36,801, 23-36,802, and~~  
28 ~~amendments thereto, Parts 3, 4, 5, 7 and 8 of this act do not apply.~~

29       New Sec. 55. (a) Except as otherwise provided in section 67, and  
30 amendments thereto, if a foreign country lacks or refuses to exercise  
31 jurisdiction to modify its child support order pursuant to its laws, a tribunal  
32 of this state may assume jurisdiction to modify the child support order and  
33 bind all individuals subject to the personal jurisdiction of the tribunal  
34 whether the consent to modification of a child support order otherwise  
35 required of the individual pursuant to K.S.A. 2014 Supp. 23-36,611, and  
36 amendments thereto, has been given or whether the individual seeking  
37 modification is a resident of this state or of the foreign country.

38       (b) An order issued by a tribunal of this state modifying a foreign child  
39 support order pursuant to this section is the controlling order.

40       New Sec. 56. A party or support enforcement agency seeking to  
41 modify, or to modify and enforce, a foreign child support order not under  
42 the convention may register that order in this state under K.S.A. 2014  
43 Supp. 23-36,601 through 23-36,608, and amendments thereto, if the order

1 has not been registered. A petition for modification may be filed at the  
2 same time as a request for registration, or at another time. The petition  
3 must specify the grounds for modification.

4 Sec. 57. K.S.A. 2014 Supp. 23-36,701 is hereby amended to read as  
5 follows: 23-36,701. ~~(a) A tribunal of this state may serve as an initiating  
6 or responding tribunal in a proceeding brought under this act or a law  
7 substantially similar to this act, the uniform reciprocal enforcement of  
8 support act, or the revised uniform reciprocal enforcement of support act  
9 to determine that the petitioner is a parent of a particular child or to  
10 determine that a respondent is a parent of that child.~~

11 ~~(b) In a proceeding to determine parentage, a responding tribunal of  
12 this state shall apply the Kansas parentage act, K.S.A. 2014 Supp. 23-2201  
13 et seq., and amendments thereto, and the rules of this state on choice of  
14 law.~~

15 *In this part:*

16 (a) *"Application" means a request under the convention by an obligee  
17 or obligor; or on behalf of a child, made through a central authority for  
18 assistance from another central authority.*

19 (b) *"Central authority" means the entity designated by the United  
20 States or a foreign country described in K.S.A. 2014 Supp. 23-36,102(e)  
21 (4), and amendments thereto, to perform the functions specified in the  
22 convention.*

23 (c) *"Convention support order" means a support order of a tribunal  
24 of a foreign country described in K.S.A. 2014 Supp. 23-36,102(e)(4), and  
25 amendments thereto.*

26 (d) *"Direct request" means a petition filed by an individual in a  
27 tribunal of this state in a proceeding involving an obligee, obligor or child  
28 residing outside the United States.*

29 (e) *"Foreign central authority" means the entity designated by a  
30 foreign country described in K.S.A. 2014 Supp. 23-36,102(e)(4), and  
31 amendments thereto, to perform the functions specified in the convention.*

32 (f) *"Foreign support agreement":*

33 (1) *Means an agreement for support in a record that:*

34 (A) *Is enforceable as a support order in the country of origin;*

35 (B) *has been:*

36 (i) *Formally drawn up or registered as an authentic instrument by a  
37 foreign tribunal; or*

38 (ii) *authenticated by, or concluded, registered, or filed with a foreign  
39 tribunal; and*

40 (C) *may be reviewed and modified by a foreign tribunal; and*

41 (2) *includes a maintenance arrangement or authentic instrument  
42 under the convention.*

43 (g) *"United States central authority" means the secretary of the*

1 *United States department of health and human services.*

2 New Sec. 58. This part applies only to a support proceeding under  
3 the convention. In such a proceeding, if a provision of this part is  
4 inconsistent with parts 1 through 6 of this act, this part controls.

5 New Sec. 59. The department for children and families of this state is  
6 recognized as the agency designated by the United States central authority  
7 to perform specific functions under the convention.

8 New Sec. 60. (a) In a support proceeding under this part, the  
9 department for children and families of this state shall:

10 (1) Transmit and receive applications; and

11 (2) initiate or facilitate the institution of a proceeding regarding an  
12 application in a tribunal of this state.

13 (b) The following support proceedings are available to an obligee  
14 under the convention:

15 (1) Recognition or recognition and enforcement of a foreign support  
16 order;

17 (2) enforcement of a support order issued or recognized in this state;

18 (3) establishment of a support order if there is no existing order,  
19 including, if necessary, determination of parentage of a child;

20 (4) establishment of a support order if recognition of a foreign  
21 support order is refused under section 64(b)(2), (4) or (9), and amendments  
22 thereto;

23 (5) modification of a support order of a tribunal of this state; and

24 (6) modification of a support order of a tribunal of another state or a  
25 foreign country.

26 (c) The following support proceedings are available under the  
27 convention to an obligor against which there is an existing support order:

28 (1) Recognition of an order suspending or limiting enforcement of an  
29 existing support order of a tribunal of this state;

30 (2) modification of a support order of a tribunal of this state; and

31 (3) modification of a support order of a tribunal of another state or a  
32 foreign country.

33 (d) A tribunal of this state may not require security, bond or deposit,  
34 however described, to guarantee the payment of costs and expenses in  
35 proceedings under the convention.

36 New Sec. 61. (a) A petitioner may file a direct request seeking  
37 establishment or modification of a support order or determination of  
38 parentage of a child. In the proceeding, the law of this state applies.

39 (b) A petitioner may file a direct request seeking recognition and  
40 enforcement of a support order or support agreement. In the proceeding,  
41 sections 62 through 69, and amendments thereto, apply.

42 (c) In a direct request for recognition and enforcement of a  
43 convention support order or foreign support agreement:

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

3 (2) an obligee or obligor that in the issuing country has benefited  
4 from free legal assistance is entitled to benefit, at least to the same extent,  
5 from any free legal assistance provided for by the law of this state under  
6 the same circumstances.

7 (d) A petitioner filing a direct request is not entitled to  
8 assistance from the department for children and families.

9 (e) This part does not prevent the application of laws of this state that  
10 provide simplified, more expeditious rules regarding a direct request for  
11 recognition and enforcement of a foreign support order or foreign support  
12 agreement.

13 New Sec. 62. (a) Except as otherwise provided in this part, a party  
14 who is an individual or a support enforcement agency seeking recognition  
15 of a convention support order shall register the order in this state as  
16 provided in part 6 of this act.

17 (b) Notwithstanding K.S.A. 2014 Supp. 23-36,311 and 23-36,602(a),  
18 and amendments thereto, a request for registration of a convention support  
19 order must be accompanied by:

20 (1) A complete text of the support order;

21 (2) a record stating that the support order is enforceable in the issuing  
22 country;

23 (3) if the respondent did not appear and was not represented in the  
24 proceedings in the issuing country, a record attesting, as appropriate, either  
25 that the respondent had proper notice of the proceedings and an  
26 opportunity to be heard or that the respondent had proper notice of the  
27 support order and an opportunity to be heard in a challenge or appeal on  
28 fact or law before a tribunal;

29 (4) a record showing the amount of arrears, if any, and the date  
30 the amount was calculated;

31 (5) a record showing a requirement for automatic adjustment of the  
32 amount of support, if any, and the information necessary to make the  
33 appropriate calculations; and

34 (6) if necessary, a record showing the extent to which the applicant  
35 received free legal assistance in the issuing country.

36 (c) A request for registration of a convention support order may seek  
37 recognition and partial enforcement of the order.

38 (d) A tribunal of this state may vacate the registration of a convention  
39 support order without the filing of a contest under section 63, and  
40 amendments thereto, only if, acting on its own motion, the tribunal finds  
41 that recognition and enforcement of the order would be manifestly  
42 incompatible with public policy.

43 (e) The tribunal shall promptly notify the parties of the registration or

1 the order vacating the registration of a convention support order.

2 New Sec. 63. (a) Except as otherwise provided in this part, K.S.A.  
3 2014 Supp. 23-36,605 through 23-36,608, and amendments thereto, apply  
4 to a contest of a registered convention support order.

5 (b) A party contesting a registered convention support order shall file  
6 a contest not later than 30 days after notice of the registration, but if the  
7 contesting party does not reside in the United States, the contest must be  
8 filed not later than 60 days after notice of the registration.

9 (c) If the nonregistering party fails to contest the registered  
10 convention support order by the time specified in subsection (b), the order  
11 is enforceable.

12 (d) A contest of a registered convention support order may be based  
13 only on grounds set forth in section 64, and amendments thereto. The  
14 contesting party bears the burden of proof.

15 (e) In a contest of a registered convention support order, a tribunal of  
16 this state:

17 (1) Is bound by the findings of fact on which the foreign tribunal  
18 based its jurisdiction; and

19 (2) may not review the merits of the order.

20 (f) A tribunal of this state deciding a contest of a registered  
21 convention support order shall promptly notify the parties of its decision.

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

24 New Sec. 64. (a) Except as otherwise provided in subsection (b), a  
25 tribunal of this state shall recognize and enforce a registered convention  
26 support order.

27 (b) The following grounds are the only grounds on which a tribunal  
28 of this state may refuse recognition and enforcement of a registered  
29 convention support order:

30 (1) Recognition and enforcement of the order is manifestly  
31 incompatible with public policy, including the failure of the issuing  
32 tribunal to observe minimum standards of due process, which include  
33 notice and an opportunity to be heard;

34 (2) the issuing tribunal lacked personal jurisdiction consistent with  
35 K.S.A. 2014 Supp. 23-36,201, and amendments thereto;

36 (3) the order is not enforceable in the issuing country;

37 (4) the order was obtained by fraud in connection with a matter of  
38 procedure;

39 (5) a record transmitted in accordance with section 62, and  
40 amendments thereto, lacks authenticity or integrity;

41 (6) a proceeding between the same parties and having the same  
42 purpose is pending before a tribunal of this state and that proceeding was  
43 the first to be filed;

1 (7) the order is incompatible with a more recent support order  
2 involving the same parties and having the same purpose if the more recent  
3 support order is entitled to recognition and enforcement under this act in  
4 this state;

5 (8) payment, to the extent alleged arrears have been paid in whole or  
6 in part;

7 (9) in a case in which the respondent neither appeared nor was  
8 represented in the proceeding in the issuing foreign country:

9 (A) If the law of that country provides for prior notice of proceedings,  
10 the respondent did not have proper notice of the proceedings and an  
11 opportunity to be heard; or

12 (B) if the law of that country does not provide for prior notice of the  
13 proceedings, the respondent did not have proper notice of the order and an  
14 opportunity to be heard in a challenge or appeal on fact or law before a  
15 tribunal; or

16 (10) the order was made in violation of section 67, and amendments  
17 thereto.

18 (c) If a tribunal of this state does not recognize a convention support  
19 order under subsection (b)(2), (4) or (9):

20 (1) The tribunal may not dismiss the proceeding without allowing a  
21 reasonable time for a party to request the establishment of a new  
22 convention support order; and

23 (2) the department for children and families shall take all appropriate  
24 measures to request a child support order for the obligee if the application  
25 for recognition and enforcement was received under section 60, and  
26 amendments thereto.

27 New Sec. 65. If a tribunal of this state does not recognize and  
28 enforce a convention support order in its entirety, it shall enforce any  
29 severable part of the order. An application or direct request may seek  
30 recognition and partial enforcement of a convention support order.

31 New Sec. 66. (a) Except as otherwise provided in subsections (c) and  
32 (d), a tribunal of this state shall recognize and enforce a foreign support  
33 agreement registered in this state.

34 (b) An application or direct request for recognition and enforcement  
35 of a foreign support agreement must be accompanied by:

36 (1) A complete text of the foreign support agreement; and

37 (2) a record stating that the foreign support agreement is enforceable  
38 as a decision in the issuing country.

39 (c) A tribunal of this state may vacate the registration of a foreign  
40 support agreement only if, acting on its own motion, the tribunal finds that  
41 recognition and enforcement would be manifestly incompatible with  
42 public policy.

43 (d) In a contest of a foreign support agreement, a tribunal of this state

1 may refuse recognition and enforcement of the agreement if it finds:

2 (1) Recognition and enforcement of the agreement is manifestly  
3 incompatible with public policy;

4 (2) the agreement was obtained by fraud or falsification;

5 (3) the agreement is incompatible with a support order involving the  
6 same parties and having the same purpose in this state, another state or a  
7 foreign country if the support order is entitled to recognition and  
8 enforcement under this act in this state; or

9 (4) the record submitted under subsection (b) lacks authenticity or  
10 integrity.

11 (e) A proceeding for recognition and enforcement of a foreign support  
12 agreement must be suspended during the pendency of a challenge to or  
13 appeal of the agreement before a tribunal of another state or a foreign  
14 country.

15 New Sec. 67. (a) A tribunal of this state may not modify a convention  
16 child support order if the obligee remains a resident of the foreign country  
17 where the support order was issued unless:

18 (1) The obligee submits to the jurisdiction of a tribunal of this state,  
19 either expressly or by defending on the merits of the case without  
20 objecting to the jurisdiction at the first available opportunity; or

21 (2) the foreign tribunal lacks or refuses to exercise jurisdiction to  
22 modify its support order or issue a new support order.

23 (b) If a tribunal of this state does not modify a convention child  
24 support order because the order is not recognized in this state, section  
25 64(c), and amendments thereto, applies.

26 New Sec. 68. Personal information gathered or transmitted under this  
27 part may be used only for the purposes for which it was gathered or  
28 transmitted.

29 New Sec. 69. A record filed with a tribunal of this state under this  
30 part must be in the original language and, if not in English, must be  
31 accompanied by an English translation.

32 Sec. 70. K.S.A. 2014 Supp. 23-36,801 is hereby amended to read as  
33 follows: 23-36,801. (a) For purposes of K.S.A. 2014 Supp. 23-36,801 and  
34 23-36,802, and amendments thereto, "governor" includes an individual  
35 performing the functions of governor or the executive authority of a state  
36 covered by this act.

37 (b) The governor of this state may:

38 (1) Demand that the governor of another state surrender an individual  
39 found in the other state who is charged criminally in this state with having  
40 failed to provide for the support of an obligee; or

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

1 (c) A provision for extradition of individuals not inconsistent with  
2 this act applies to the demand even if the individual whose surrender is  
3 demanded was not in the demanding state when the crime was allegedly  
4 committed and has not fled therefrom.

5 Sec. 71. K.S.A. 2014 Supp. 23-36,802 is hereby amended to read as  
6 follows: 23-36,802. (a) Before making a demand that the governor of  
7 another state surrender an individual charged criminally in this state with  
8 having failed to provide for the support of an obligee, the governor of this  
9 state may require a prosecutor of this state to demonstrate that at least 60  
10 days previously the obligee had initiated proceedings for support pursuant  
11 to this act or that the proceeding would be of no avail.

12 (b) If, under this act or a law substantially similar to this act, ~~the~~  
13 ~~uniform reciprocal enforcement of support act, or the revised uniform~~  
14 ~~reciprocal enforcement of support act,~~ the governor of another state makes  
15 a demand that the governor of this state surrender an individual charged  
16 criminally in that state with having failed to provide for the support of a  
17 child or other individual to whom a duty of support is owed, the governor  
18 may require a prosecutor to investigate the demand and report whether a  
19 proceeding for support has been initiated or would be effective. If it  
20 appears that a proceeding would be effective but has not been initiated, the  
21 governor may delay honoring the demand for a reasonable time to permit  
22 the initiation of a proceeding.

23 (c) If a proceeding for support has been initiated and the individual  
24 whose rendition is demanded prevails, the governor may decline to honor  
25 the demand. If the petitioner prevails and the individual whose rendition is  
26 demanded is subject to a support order, the governor may decline to honor  
27 the demand if the individual is complying with the support order.

28 Sec. 72. K.S.A. 2014 Supp. 23-36,901 is hereby amended to read as  
29 follows: 23-36,901. ~~This act shall be applied and construed to effectuate its~~  
30 ~~general purpose to make uniform the law with respect to the subject of this~~  
31 ~~act among states enacting it. In applying and construing this uniform act,~~  
32 *consideration must be given to the need to promote uniformity of the law*  
33 *with respect to its subject matter among states that enact it.*

34 Sec. 73. K.S.A. 2014 Supp. 23-36,902 is hereby amended to read as  
35 follows: 23-36,902. ~~K.S.A. 2014 Supp. 23-36,101 to 23-36,903, and~~  
36 ~~amendments thereto, may be cited as the uniform interstate family support~~  
37 ~~act. This act applies to proceedings begun on or after the effective date of~~  
38 *this act to establish a support order or determine parentage of a child or*  
39 *to register, recognize, enforce or modify a prior support order,*  
40 *determination or agreement, whenever issued or entered.*

41 Sec. 74. K.S.A. 2014 Supp. 23-36,101, 23-36,102, 23-36,103, 23-  
42 36,201, 23-36,202, 23-36,203, 23-36,204, 23-36,205, 23-36,206, 23-  
43 36,207, 23-36,208, 23-36,209, 23-36,301, 23-36,303, 23-36,304, 23-

1 36,305, 23-36,306, 23-36,307, 23-36,308, 23-36,310, 23-36,311, 23-  
2 36,312, 23-36,313, 23-36,314, 23-36,316, 23-36,317, 23-36,318, 23-  
3 36,319, 23-36,401, 23-36,501, 23-36,502, 23-36,503, 23-36,504, 23-  
4 36,505, 23-36,506, 23-36,507, 23-36,601, 23-36,602, 23-36,603, 23-  
5 36,604, 23-36,605, 23-36,606, 23-36,607, 23-36,608, 23-36,609, 23-  
6 36,610, 23-36,611, 23-36,612, 23-36,613, 23-36,701, 23-36,801, 23-  
7 36,802, 23-36,901 and 23-36,902 are hereby repealed.  
8 Sec. 75. This act shall take effect and be in force from and after its  
9 publication in the statute book.