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AN ACT

RELATING TO FAMILY LAW; AMENDING THE UNIFORM INTERSTATE
FAMILY SUPPORT ACT TO COMPLY WITH INTERNATIONAL TREATY;
MAKING STYLISTIC CHANGES; AMENDING, REPEALING, RECOMPILING
AND ENACTING SECTIONS OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 40-6A-102 NMSA 1978 (being Laws
1994, Chapter 107, Section 101, as amended) is amended to
read:

"40-6A-102. DEFINITIONS.--As used in the Uniform
Interstate Family Support Act:

A. "child" means an individual, whether over or
under the age of majority, who is or is alleged to be owed a
duty of support by the individual's parent or who is or is
alleged to be the beneficiary of a support order directed to
the parent;

B. "child-support order" means a support order for
a child, including a child who has attained the age of
majority under the law of the issuing state or foreign
country;

C. "convention" means the Convention on the
International Recovery of Child Support and Other Forms of
Family Maintenance, concluded at The Hague on November 23,
2007;

1 D. "duty of support" means an obligation imposed
2 or imposable by law to provide support for a child, spouse or
3 former spouse, including an unsatisfied obligation to provide
4 support;

5 E. "foreign country" means a country, including a
6 political subdivision thereof, other than the United States,
7 that authorizes the issuance of support orders and:

8 (1) that has been declared under the law of
9 the United States to be a foreign reciprocating country;

10 (2) that has established a reciprocal
11 arrangement for child support with this state as provided in
12 Section 40-6A-308 NMSA 1978;

13 (3) that has enacted a law or established
14 procedures for the issuance and enforcement of support orders
15 that are substantially similar to the procedures pursuant to
16 the Uniform Interstate Family Support Act; or

17 (4) in which the convention is in force with
18 respect to the United States;

19 F. "foreign support order" means a support order
20 of a foreign tribunal;

21 G. "foreign tribunal" means a court,
22 administrative agency or quasi-judicial entity of a foreign
23 country that is authorized to establish, enforce or modify
24 support orders or to determine parentage of a child.

25 "Foreign tribunal" includes a competent authority pursuant to

1 the convention;

2 H. "home state" means the state or foreign country
3 in which a child lived with a parent or a person acting as
4 parent for at least six consecutive months immediately
5 preceding the time of filing of a petition or comparable
6 pleading for support and, if a child is less than six months
7 old, the state or foreign country in which the child lived
8 from birth with a parent or a person acting as parent. A
9 period of temporary absence of any of them is counted as part
10 of the six-month or other period;

11 I. "income" includes earnings or other periodic
12 entitlements to money from any source and any other property
13 subject to withholding for support under the law of this
14 state;

15 J. "income-withholding order" means an order or
16 other legal process directed to an obligor's employer or
17 other debtor to withhold support from the income of the
18 obligor;

19 K. "initiating tribunal" means the tribunal of a
20 state or foreign country from which a petition or comparable
21 pleading is forwarded or in which a petition or comparable
22 pleading is filed for forwarding to another state or a
23 foreign country;

24 L. "issuing foreign country" means the foreign
25 country in which a tribunal issues a support order or a

1 judgment determining parentage of a child;

2 M. "issuing state" means the state in which a
3 tribunal issues a support order or a judgment determining
4 parentage of a child;

5 N. "issuing tribunal" means the tribunal of a
6 state or foreign country that issues a support order or a
7 judgment determining parentage of a child;

8 O. "law" includes decisional and statutory law and
9 rules and regulations having the force of law;

10 P. "obligee" means:

11 (1) an individual to whom a duty of support
12 is or is alleged to be owed or in whose favor a support order
13 or a judgment determining parentage of a child has been
14 issued;

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

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

22 (4) a person that is a creditor in a
23 proceeding pursuant to Sections 40-6A-701 through 40-6A-713
24 NMSA 1978;

25 Q. "obligor" means an individual or the estate of

1 a decedent who:

2 (1) owes or is alleged to owe a duty of
3 support;

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

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

7 (4) is a debtor in a proceeding pursuant to
8 Sections 40-6A-701 through 40-6A-713 NMSA 1978;

9 R. "outside this state" means a location in
10 another state or in a country other than the United States,
11 whether or not the country is a foreign country;

12 S. "person" means an individual, corporation,
13 business trust, estate, trust, partnership, limited liability
14 company, association, joint venture, public corporation,
15 government or governmental subdivision, agency or
16 instrumentality or any other legal or commercial entity;

17 T. "record" means information that is inscribed on
18 a tangible medium or that is stored in an electronic or other
19 medium and is retrievable in perceivable form;

20 U. "register" means to file in a tribunal of this
21 state a support order or judgment determining parentage of a
22 child issued in another state or a foreign country;

23 V. "registering tribunal" means a tribunal in
24 which a support order or judgment determining parentage of a
25 child is registered;

1 W. "responding state" means a state in which a
2 petition or comparable pleading for support or to determine
3 parentage of a child is filed or to which a petition or
4 comparable pleading is forwarded for filing from another
5 state or a foreign country;

6 X. "responding tribunal" means the authorized
7 tribunal in a responding state or foreign country;

8 Y. "spousal support order" means a support order
9 for a spouse or former spouse of the obligor;

10 Z. "state" means a state of the United States, the
11 District of Columbia, Puerto Rico, the United States Virgin
12 Islands or any territory or insular possession under the
13 jurisdiction of the United States. "State" includes an
14 Indian tribe, pueblo, nation or band;

15 AA. "support enforcement agency" means a public
16 official, governmental entity or private agency, acting under
17 contract with such a public official or governmental entity,
18 that is authorized to:

19 (1) seek enforcement of support orders or
20 laws relating to the duty of support;

21 (2) seek establishment or modification of
22 child support;

23 (3) request determination of parentage of a
24 child;

25 (4) attempt to locate obligors or their

1 assets; or

2 (5) request determination of the controlling
3 child-support order;

4 BB. "support order" means a judgment, decree,
5 order, decision or directive, whether temporary, final or
6 subject to modification, issued in a state or foreign country
7 for the benefit of a child, a spouse or a former spouse, that
8 provides for monetary support, health care, arrearages,
9 retroactive support or reimbursement for financial assistance
10 provided to an individual obligee in place of child support.

11 "Support order" may include related costs and fees, interest,
12 income withholding, automatic adjustment, reasonable attorney
13 fees and other relief; and

14 CC. "tribunal" means a court, administrative
15 agency or quasi-judicial entity authorized to establish,
16 enforce or modify support orders or to determine parentage of
17 a child."

18 SECTION 2. Section 40-6A-105 NMSA 1978 (being Laws
19 1994, Chapter 107, Section 102, as amended) is recompiled as
20 Section 40-6A-103 NMSA 1978 and is amended to read:

21 "40-6A-103. STATE TRIBUNAL AND SUPPORT ENFORCEMENT
22 AGENCY.--

23 A. The district courts are the tribunals of this
24 state.

25 B. The human services department is the support

1 enforcement agency of this state."

2 SECTION 3. Section 40-6A-104 NMSA 1978 (being Laws
3 1994, Chapter 107, Section 103, as amended) is amended to
4 read:

5 "40-6A-104. REMEDIES CUMULATIVE.--

6 A. Remedies provided by the Uniform Interstate
7 Family Support Act are cumulative and do not affect the
8 availability of remedies under other law or the recognition
9 of a foreign support order on the basis of comity.

10 B. The Uniform Interstate Family Support Act does
11 not:

12 (1) provide the exclusive method of
13 establishing or enforcing a support order under the law of
14 this state; or

15 (2) grant a tribunal of this state
16 jurisdiction to render judgment or issue an order relating to
17 child custody or visitation in a proceeding pursuant to the
18 Uniform Interstate Family Support Act."

19 SECTION 4. A new Section 40-6A-105 NMSA 1978 is enacted
20 to read:

21 "40-6A-105. APPLICATION OF UNIFORM INTERSTATE FAMILY
22 SUPPORT ACT TO RESIDENT OF FOREIGN COUNTRY AND FOREIGN
23 SUPPORT PROCEEDING.--

24 A. A tribunal of this state shall apply Sections
25 40-6A-101 through 40-6A-616 NMSA 1978 and, as applicable,

1 Sections 40-6A-701 through 40-6A-713 NMSA 1978, to a support
2 proceeding involving:

- 3 (1) a foreign support order;
4 (2) a foreign tribunal; or
5 (3) an obligee, obligor or child residing in
6 a foreign country.

7 B. A tribunal of this state that is requested to
8 recognize and enforce a support order on the basis of comity
9 may apply the procedural and substantive provisions of
10 Sections 40-6A-101 through 40-6A-616 NMSA 1978.

11 C. Sections 40-6A-701 through 40-6A-713 NMSA 1978
12 shall apply only to a support proceeding pursuant to the
13 convention. In such a proceeding, if a provision of Sections
14 40-6A-701 through 40-6A-713 NMSA 1978 is inconsistent with
15 Sections 40-6A-101 through 40-6A-616 NMSA 1978, the
16 provisions of Sections 40-6A-701 through 40-6A-713 NMSA 1978
17 control."

18 SECTION 5. Section 40-6A-201 NMSA 1978 (being Laws
19 1994, Chapter 107, Section 201, as amended) is amended to
20 read:

21 "40-6A-201. BASES FOR JURISDICTION OVER NONRESIDENT.--

22 A. In a proceeding to establish or enforce a
23 support order or to determine parentage of a child, a
24 tribunal of this state may exercise personal jurisdiction
25 over a nonresident individual or the individual's guardian or

1 conservator if:

2 (1) the individual is personally served with
3 notice within this state;

4 (2) the individual submits to the
5 jurisdiction of this state by consent, by entering a general
6 appearance or by filing a responsive document having the
7 effect of waiving any contest to personal jurisdiction;

8 (3) the individual resided with the child in
9 this state;

10 (4) the individual resided in this state and
11 provided prenatal expenses or support for the child;

12 (5) the child resides in this state as a
13 result of the acts or directives of the individual;

14 (6) the individual engaged in sexual
15 intercourse in this state and the child may have been
16 conceived by that act of intercourse;

17 (7) the individual asserted parentage of a
18 child in the putative father registry maintained in this
19 state by the department of health; or

20 (8) there is any other basis consistent with
21 the constitutions of this state and the United States for the
22 exercise of personal jurisdiction.

23 B. The bases of personal jurisdiction set forth in
24 Subsection A of this section or in any other law of this
25 state may not be used to acquire personal jurisdiction for a

1 tribunal of this state to modify a child support order of
2 another state unless the requirements of Section 40-6A-611
3 NMSA 1978 are met or, in the case of a foreign support order,
4 unless the requirements of Section 40-6A-615 NMSA 1978 are
5 met."

6 SECTION 6. Section 40-6A-203 NMSA 1978 (being Laws
7 1994, Chapter 107, Section 203, as amended) is amended to
8 read:

9 "40-6A-203. INITIATING AND RESPONDING TRIBUNAL OF
10 STATE.--Pursuant to the Uniform Interstate Family Support
11 Act, a tribunal of this state may serve as an initiating
12 tribunal to forward proceedings to a tribunal of another
13 state or a foreign country and as a responding tribunal for
14 proceedings initiated in another state or a foreign country."

15 SECTION 7. Section 40-6A-204 NMSA 1978 (being Laws
16 1994, Chapter 107, Section 204, as amended) is amended to
17 read:

18 "40-6A-204. SIMULTANEOUS PROCEEDINGS.--

19 A. A tribunal of this state may exercise
20 jurisdiction to establish a support order if the petition or
21 comparable pleading is filed after a petition or comparable
22 pleading is filed in another state or a foreign country only
23 if:

24 (1) the petition or comparable pleading in
25 this state is filed before the expiration of the time allowed

1 in the other state or the foreign country for filing a
2 responsive pleading challenging the exercise of jurisdiction
3 by the other state or the foreign country;

4 (2) the contesting party timely challenges
5 the exercise of jurisdiction in the other state or the
6 foreign country; and

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

9 B. A tribunal of this state may not exercise
10 jurisdiction to establish a support order if the petition or
11 comparable pleading is filed before a petition or comparable
12 pleading is filed in another state or a foreign country if:

13 (1) the petition or comparable pleading in
14 the other state or foreign country is filed before the
15 expiration of the time allowed in this state for filing a
16 responsive pleading challenging the exercise of jurisdiction
17 by this state;

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

20 (3) if relevant, the other state or foreign
21 country is the home state of the child."

22 SECTION 8. Section 40-6A-205 NMSA 1978 (being Laws
23 1994, Chapter 107, Section 205, as amended) is amended to
24 read:

25 "40-6A-205. CONTINUING, EXCLUSIVE JURISDICTION TO

1 MODIFY CHILD-SUPPORT ORDER.--

2 A. A tribunal of this state that has issued a
3 child-support order consistent with the law of this state has
4 and shall exercise continuing, exclusive jurisdiction to
5 modify its child-support order if the order is the
6 controlling order and:

7 (1) at the time of the filing of a request
8 for modification this state is the residence of the obligor,
9 the individual obligee or the child for whose benefit the
10 support order is issued; or

11 (2) even if this state is not the residence
12 of the obligor, the individual obligee or the child for whose
13 benefit the support order is issued, the parties consent in a
14 record or in open court that the tribunal of this state may
15 continue to exercise jurisdiction to modify its order.

16 B. A tribunal of this state that has issued a
17 child-support order consistent with the law of this state may
18 not exercise continuing exclusive jurisdiction to modify the
19 order if:

20 (1) all of the parties who are individuals
21 file consent in a record with the tribunal of this state that
22 a tribunal of another state that has jurisdiction over at
23 least one of all the parties who is an individual or that is
24 located in the state of residence of the child may modify the
25 order and assume continuing, exclusive jurisdiction; or

1 (2) its order is not the controlling order.

2 C. If a tribunal of another state has issued a
3 child-support order pursuant to the Uniform Interstate Family
4 Support Act or a law substantially similar to that act that
5 modifies a child-support order of a tribunal of this state,
6 tribunals of this state shall recognize the continuing,
7 exclusive jurisdiction of the tribunal of the other state.

8 D. A tribunal of this state that lacks continuing,
9 exclusive jurisdiction to modify a child-support order may
10 serve as an initiating tribunal to request a tribunal of
11 another state to modify a support order issued in that state.

12 E. A temporary support order issued ex parte or
13 pending resolution of a jurisdictional conflict does not
14 create continuing, exclusive jurisdiction in the issuing
15 tribunal."

16 SECTION 9. Section 40-6A-206 NMSA 1978 (being Laws
17 1994, Chapter 107, Section 206, as amended) is amended to
18 read:

19 "40-6A-206. CONTINUING JURISDICTION TO ENFORCE
20 CHILD-SUPPORT ORDER.--

21 A. A tribunal of this state that has issued a
22 child-support order consistent with the law of this state may
23 serve as an initiating tribunal to request a tribunal of
24 another state to enforce:

25 (1) the order if the order is the

1 controlling order and has not been modified by a tribunal of
2 another state that assumed jurisdiction pursuant to the
3 Uniform Interstate Family Support Act; or

4 (2) a money judgment for arrears of support
5 and interest on the order accrued before a determination that
6 an order of a tribunal of another state is the controlling
7 order.

8 B. A tribunal of this state having continuing
9 jurisdiction over a support order may act as a responding
10 tribunal to enforce the order."

11 SECTION 10. Section 40-6A-207 NMSA 1978 (being Laws
12 1994, Chapter 107, Section 207, as amended) is amended to
13 read:

14 "40-6A-207. DETERMINATION OF CONTROLLING CHILD-SUPPORT
15 ORDER.--

16 A. If a proceeding is brought pursuant to the
17 Uniform Interstate Family Support Act and only one tribunal
18 has issued a child-support order, the order of that tribunal
19 controls and shall be so recognized.

20 B. If a proceeding is brought pursuant to the
21 Uniform Interstate Family Support Act and two or more
22 child-support orders have been issued by tribunals of this
23 state, another state or a foreign country with regard to the
24 same obligor and same child, a tribunal of this state having
25 personal jurisdiction over both the obligor and individual

1 obligee shall apply the following rules and by order shall
2 determine which order controls and must be recognized:

3 (1) if only one of the tribunals would have
4 continuing, exclusive jurisdiction pursuant to the Uniform
5 Interstate Family Support Act, the order of that tribunal
6 controls;

7 (2) if more than one of the tribunals would
8 have continuing, exclusive jurisdiction pursuant to the
9 Uniform Interstate Family Support Act:

10 (a) an order issued by a tribunal in
11 the current home state of the child controls; or

12 (b) if an order has not been issued in
13 the current home state of the child, the order most recently
14 issued controls; and

15 (3) if none of the tribunals would have
16 continuing, exclusive jurisdiction pursuant to the Uniform
17 Interstate Family Support Act, the tribunal of this state
18 shall issue a child-support order, which controls.

19 C. If two or more child-support orders have been
20 issued for the same obligor and same child upon request of a
21 party who is an individual or that is a support enforcement
22 agency, a tribunal of this state having personal jurisdiction
23 over both the obligor and the obligee who is an individual
24 shall determine which order controls pursuant to Subsection B
25 of this section. The request may be filed with a

1 registration for enforcement or registration for modification
2 pursuant to Sections 40-6A-601 through 40-6A-615 NMSA 1978,
3 or may be filed as a separate proceeding.

4 D. A request to determine which is the controlling
5 order shall be accompanied by a copy of every child-support
6 order in effect and the applicable record of payments. The
7 requesting party shall give notice of the request to each
8 party whose rights may be affected by the determination.

9 E. The tribunal that issued the controlling order
10 under Subsection A, B or C of this section has continuing
11 jurisdiction to the extent provided in Section 40-6A-205 or
12 40-6A-206 NMSA 1978.

13 F. A tribunal of this state that determines by
14 order which is the controlling order pursuant to Paragraph
15 (1) or (2) of Subsection B or Subsection C of this section or
16 that issues a new controlling order pursuant to Paragraph (3)
17 of Subsection B of this section shall state in that order:

18 (1) the basis on which the tribunal made its
19 determination;

20 (2) the amount of prospective support, if
21 any; and

22 (3) the total amount of consolidated arrears
23 and accrued interest, if any, under all of the orders after
24 all payments made are credited as provided by Section
25 40-6A-209 NMSA 1978.

1 G. Within thirty days after issuance of an order
2 determining which is the controlling order, the party
3 obtaining the order shall file a certified copy of it in each
4 tribunal that issued or registered an earlier order of child
5 support. A party or support enforcement agency obtaining the
6 order that fails to file a certified copy is subject to
7 appropriate sanctions by a tribunal in which the issue of
8 failure to file arises. The failure to file does not affect
9 the validity or enforceability of the controlling order.

10 H. An order that has been determined to be the
11 controlling order, or a judgment for consolidated arrears of
12 support and interest, if any, made pursuant to this section
13 must be recognized in proceedings under the Uniform
14 Interstate Family Support Act."

15 SECTION 11. Section 40-6A-208 NMSA 1978 (being Laws
16 1994, Chapter 107, Section 208, as amended) is amended to
17 read:

18 "40-6A-208. CHILD SUPPORT ORDERS FOR TWO OR MORE
19 OBLIGEES.--In responding to registrations or petitions for
20 enforcement of two or more child support orders in effect at
21 the same time with regard to the same obligor and different
22 individual obligees, at least one of which was issued by a
23 tribunal of another state or a foreign country, a tribunal of
24 this state shall enforce those orders in the same manner as
25 if the orders had been issued by a tribunal of this state."

1 SECTION 12. Section 40-6A-209 NMSA 1978 (being Laws
2 1994, Chapter 107, Section 209, as amended) is amended to
3 read:

4 "40-6A-209. CREDIT FOR PAYMENTS.--A tribunal of this
5 state shall credit amounts collected for a particular period
6 pursuant to any child-support order against the amounts owed
7 for the same period under any other child-support order for
8 support of the same child issued by a tribunal of this or
9 another state or a foreign country."

10 SECTION 13. Section 40-6A-210 NMSA 1978 (being Laws
11 2005, Chapter 166, Section 11) is amended to read:

12 "40-6A-210. APPLICATION OF THE UNIFORM INTERSTATE
13 FAMILY SUPPORT ACT TO A NONRESIDENT SUBJECT TO PERSONAL
14 JURISDICTION.--A tribunal of this state exercising personal
15 jurisdiction over a nonresident in a proceeding pursuant to
16 the Uniform Interstate Family Support Act, pursuant to other
17 law of this state relating to a support order or recognizing
18 a foreign support order may receive evidence from outside
19 this state pursuant to Section 40-6A-316 NMSA 1978,
20 communicate with a tribunal outside this state pursuant to
21 Section 40-6A-317 NMSA 1978 and obtain discovery through a
22 tribunal outside this state pursuant to Section 40-6A-318
23 NMSA 1978. In all other respects, Sections 40-6A-301 through
24 40-6A-616 NMSA 1978 do not apply and the tribunal shall apply
25 the procedural and substantive law of this state."

1 SECTION 14. Section 40-6A-211 NMSA 1978 (being Laws
2 2005, Chapter 166, Section 12) is amended to read:

3 "40-6A-211. CONTINUING, EXCLUSIVE JURISDICTION TO
4 MODIFY SPOUSAL-SUPPORT ORDER.--

5 A. A tribunal of this state issuing a
6 spousal-support order consistent with the law of this state
7 has continuing, exclusive jurisdiction to modify the
8 spousal-support order through the existence of the support
9 obligation.

10 B. A tribunal of this state may not modify a
11 spousal-support order issued by a tribunal of another state
12 or a foreign country having continuing, exclusive
13 jurisdiction over that order pursuant to the law of that
14 state or foreign country.

15 C. A tribunal of this state that has continuing,
16 exclusive jurisdiction over a spousal-support order may serve
17 as:

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

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

23 SECTION 15. Section 40-6A-301 NMSA 1978 (being Laws
24 1994, Chapter 107, Section 301, as amended) is amended to
25 read:

1 "40-6A-301. PROCEEDINGS UNDER THE UNIFORM INTERSTATE
2 FAMILY SUPPORT ACT.--

3 A. Except as otherwise provided in the Uniform
4 Interstate Family Support Act, Sections 40-6A-301 through
5 40-6A-319 NMSA 1978 apply to all proceedings pursuant to that
6 act.

7 B. An individual petitioner or a support
8 enforcement agency may initiate a proceeding authorized
9 pursuant to the Uniform Interstate Family Support Act by
10 filing a petition in an initiating tribunal for forwarding to
11 a responding tribunal or by filing a petition or a comparable
12 pleading directly in a tribunal of another state or a foreign
13 country that has or can obtain personal jurisdiction over the
14 respondent."

15 SECTION 16. Section 40-6A-303 NMSA 1978 (being Laws
16 1994, Chapter 107, Section 303, as amended) is amended to
17 read:

18 "40-6A-303. APPLICATION OF LAW OF STATE.--Except as
19 otherwise provided by the Uniform Interstate Family Support
20 Act, a responding tribunal of this state shall:

21 A. apply the procedural and substantive law
22 generally applicable to similar proceedings originating in
23 this state and may exercise all powers and provide all
24 remedies available in those proceedings; and

25 B. determine the duty of support and the amount

1 payable in accordance with the law and support guidelines of
2 this state."

3 SECTION 17. Section 40-6A-304 NMSA 1978 (being Laws
4 1994, Chapter 107, Section 304, as amended) is amended to
5 read:

6 "40-6A-304. DUTIES OF INITIATING TRIBUNAL.--

7 A. Upon the filing of a petition authorized
8 pursuant to the Uniform Interstate Family Support Act, an
9 initiating tribunal of this state shall forward the petition
10 and its accompanying documents:

11 (1) to the responding tribunal or
12 appropriate support enforcement agency in the responding
13 state; or

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

18 B. If requested by the responding tribunal, a
19 tribunal of this state shall issue a certificate or other
20 document and make findings required by the law of the
21 responding state. If the responding state is in a foreign
22 country, upon request, the tribunal of this state shall
23 specify the amount of support sought, convert that amount
24 into the equivalent amount in the foreign currency under
25 applicable official or market exchange rate as publicly

1 reported and provide any other documents necessary to satisfy
2 the requirements of the responding foreign tribunal."

3 SECTION 18. Section 40-6A-305 NMSA 1978 (being Laws
4 1994, Chapter 107, Section 305, as amended) is amended to
5 read:

6 "40-6A-305. DUTIES AND POWERS OF RESPONDING TRIBUNAL.--

7 A. When a responding tribunal of this state
8 receives a petition or comparable pleading from an initiating
9 tribunal or directly pursuant to Subsection B of Section
10 40-6A-301 NMSA 1978, it shall cause the petition or pleading
11 to be filed and notify the petitioner where and when it was
12 filed.

13 B. A responding tribunal of this state, to the
14 extent not prohibited by other law, may do one or more of the
15 following:

16 (1) establish or enforce a support order,
17 modify a child-support order, determine the controlling
18 child-support order or determine parentage of a child;

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

22 (3) order income withholding;

23 (4) determine the amount of any arrearage
24 and specify a method of payment;

25 (5) enforce orders by civil or criminal

1 contempt, or both;

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

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

6 (8) order an obligor to keep the tribunal
7 informed of the obligor's current residential address,
8 electronic mail address, telephone number, employer, address
9 of employment and telephone number at the place of
10 employment;

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

15 (10) order the obligor to seek appropriate
16 employment by specified methods;

17 (11) award reasonable attorney's fees and
18 other fees and costs; and

19 (12) grant any other available remedy.

20 C. A responding tribunal of this state shall
21 include in a support order issued pursuant to the Uniform
22 Interstate Family Support Act, or in the documents
23 accompanying the order, the calculations on which the support
24 order is based.

25 D. A responding tribunal of this state may not

1 condition the payment of a support order issued pursuant to
2 the Uniform Interstate Family Support Act upon compliance by
3 a party with provisions for visitation.

4 E. If a responding tribunal of this state issues
5 an order pursuant to the Uniform Interstate Family Support
6 Act, the tribunal shall send a copy of the order to the
7 petitioner and the respondent and to the initiating tribunal,
8 if any.

9 F. If requested to enforce a support order,
10 arrears or judgment or modify a support order stated in a
11 foreign currency, a responding tribunal of this state shall
12 convert the amount stated in the foreign currency to the
13 equivalent amount in dollars under applicable official or
14 market exchange rate as publicly reported."

15 SECTION 19. Section 40-6A-306 NMSA 1978 (being Laws
16 1994, Chapter 107, Section 306, as amended) is amended to
17 read:

18 "40-6A-306. INAPPROPRIATE TRIBUNAL.--If a petition or
19 comparable pleading is received by an inappropriate tribunal
20 of this state, the tribunal shall forward the pleading and
21 accompanying documents to an appropriate tribunal of this
22 state or another state and notify the petitioner where and
23 when the pleading was sent."

24 SECTION 20. Section 40-6A-307 NMSA 1978 (being Laws
25 1994, Chapter 107, Section 307, as amended) is amended to

1 read:

2 "40-6A-307. DUTIES OF SUPPORT ENFORCEMENT AGENCY.--

3 A. A support enforcement agency of this state,
4 upon request, shall provide services to a petitioner in a
5 proceeding pursuant to the Uniform Interstate Family Support
6 Act.

7 B. A support enforcement agency of this state that
8 is providing services to the petitioner shall:

9 (1) take all steps necessary to enable an
10 appropriate tribunal of this state, another state or a
11 foreign country to obtain jurisdiction over the respondent;

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

14 (3) make a reasonable effort to obtain all
15 relevant information, including information as to income and
16 property of the parties;

17 (4) within two days, exclusive of Saturdays,
18 Sundays and legal holidays, after receipt of a written notice
19 in a record from an initiating, responding or registering
20 tribunal, send a copy of the notice to the petitioner;

21 (5) within two days, exclusive of Saturdays,
22 Sundays and legal holidays, after receipt of a written
23 communication in a record from the respondent or the
24 respondent's attorney, send a copy of the communication to
25 the petitioner; and

1 (6) notify the petitioner if jurisdiction
2 over the respondent cannot be obtained.

3 C. A support enforcement agency of this state that
4 requests registration of a child-support order in this state
5 for enforcement or for modification shall make reasonable
6 efforts:

7 (1) to ensure that the order to be
8 registered is the controlling order; or

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

13 D. A support enforcement agency of this state that
14 requests registration and enforcement of a support order,
15 arrears or judgment stated in a foreign currency shall
16 convert the amounts stated in the foreign currency into the
17 equivalent amounts in dollars under the applicable official
18 or market exchange rate as publicly reported.

19 E. A support enforcement agency of the state shall
20 issue or request a tribunal of this state to issue a
21 child-support order and an income-withholding order that
22 redirect payment of current support, arrears and interest if
23 requested to do so by a support enforcement agency of another
24 state pursuant to Section 40-6A-319 NMSA 1978.

25 F. The Uniform Interstate Family Support Act does

1 not create or negate a relationship of attorney and client or
2 other fiduciary relationship between a support enforcement
3 agency or the attorney for the agency and the individual
4 being assisted by the agency."

5 SECTION 21. Section 40-6A-308 NMSA 1978 (being Laws
6 1994, Chapter 107, Section 308, as amended) is amended to
7 read:

8 "40-6A-308. DUTY OF ATTORNEY GENERAL.--

9 A. If the attorney general determines that the
10 support enforcement agency is neglecting or refusing to
11 provide services to an individual, the attorney general may
12 order the agency to perform its duties pursuant to the
13 Uniform Interstate Family Support Act or may provide those
14 services directly to the individual.

15 B. The attorney general may determine that a
16 foreign country has established a reciprocal arrangement for
17 child support with this state and take appropriate action for
18 notification of the determination."

19 SECTION 22. Section 40-6A-310 NMSA 1978 (being Laws
20 1994, Chapter 107, Section 310, as amended) is amended to
21 read:

22 "40-6A-310. DUTIES OF STATE INFORMATION AGENCY.--

23 A. The human services department is the state
24 information agency pursuant to the Uniform Interstate Family
25 Support Act.

1 B. The state information agency shall:

2 (1) compile and maintain a current list,
3 including addresses, of the tribunals in this state that have
4 jurisdiction pursuant to the Uniform Interstate Family
5 Support Act and any support enforcement agencies in this
6 state and transmit a copy to the state information agency of
7 every other state;

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

11 (3) forward to the appropriate tribunal in
12 the county in this state in which the obligee who is an
13 individual or the obligor resides, or in which the obligor's
14 property is believed to be located, all documents concerning
15 a proceeding pursuant to the Uniform Interstate Family
16 Support Act received from another state or a foreign country;
17 and

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

1 statistics, law enforcement, taxation, motor vehicles,
2 driver's licenses and social security."

3 SECTION 23. Section 40-6A-311 NMSA 1978 (being Laws
4 1994, Chapter 107, Section 311, as amended) is amended to
5 read:

6 "40-6A-311. PLEADINGS AND ACCOMPANYING DOCUMENTS.--

7 A. In a proceeding pursuant to the Uniform
8 Interstate Family Support Act, a petitioner seeking to
9 establish a support order, to determine parentage of a child
10 or to register and modify a support order of a tribunal of
11 another state or a foreign country shall file a petition.
12 Unless otherwise ordered pursuant to Section 40-6A-312 NMSA
13 1978, the petition or accompanying documents shall provide,
14 so far as known, the name, residential address and social
15 security numbers of the obligor and the obligee or the parent
16 and alleged parent and the name, sex, residential address,
17 social security number and date of birth of each child for
18 whose benefit support is sought or whose parentage is to be
19 determined. Unless filed at the time of registration, the
20 petition shall be accompanied by a copy of any support order
21 known to have been issued by another tribunal. The petition
22 may include any other information that may assist in locating
23 or identifying the respondent.

24 B. The petition shall specify the relief sought.
25 The petition and accompanying documents shall conform

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

4 SECTION 24. Section 40-6A-313 NMSA 1978 (being Laws
5 1994, Chapter 107, Section 313, as amended) is amended to
6 read:

7 "40-6A-313. COSTS AND FEES.--

8 A. The petitioner may not be required to pay a
9 filing fee or other costs.

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

22 C. The tribunal shall order the payment of costs
23 and reasonable attorney fees if it determines that a hearing
24 was requested primarily for delay. In a proceeding pursuant
25 to Sections 40-6A-601 through 40-6A-616 NMSA 1978, a hearing

1 is presumed to have been requested primarily for delay if a
2 registered support order is confirmed or enforced without
3 change."

4 SECTION 25. Section 40-6A-314 NMSA 1978 (being Laws
5 1994, Chapter 107, Section 314, as amended) is amended to
6 read:

7 "40-6A-314. LIMITED IMMUNITY OF PETITIONER.--

8 A. Participation by a petitioner in a proceeding
9 pursuant to the Uniform Interstate Family Support Act before
10 a responding tribunal, whether in person, by private attorney
11 or through services provided by the support enforcement
12 agency, does not confer personal jurisdiction over the
13 petitioner in another proceeding.

14 B. A petitioner is not amenable to service of
15 civil process while physically present in this state to
16 participate in a proceeding pursuant to the Uniform
17 Interstate Family Support Act.

18 C. The immunity granted by this section does not
19 extend to civil litigation based on acts unrelated to a
20 proceeding pursuant to the Uniform Interstate Family Support
21 Act committed by a party while present in this state to
22 participate in the proceeding."

23 SECTION 26. Section 40-6A-315 NMSA 1978 (being Laws
24 1994, Chapter 107, Section 315) is amended to read:

25 "40-6A-315. NONPARENTAGE AS DEFENSE.--A party whose

1 parentage of a child has been previously determined by or
2 pursuant to law may not plead nonparentage as a defense to a
3 proceeding pursuant to the Uniform Interstate Family Support
4 Act."

5 SECTION 27. Section 40-6A-316 NMSA 1978 (being Laws
6 1994, Chapter 107, Section 316, as amended) is amended to
7 read:

8 "40-6A-316. SPECIAL RULES OF EVIDENCE AND PROCEDURE.--

9 A. The physical presence of a nonresident party
10 who is an individual in a tribunal of this state is not
11 required for the establishment, enforcement or modification
12 of a support order or the rendition of a judgment determining
13 parentage of a child.

14 B. An affidavit, a document substantially
15 complying with federally mandated forms, or a document
16 incorporated by reference in any of them that would not be
17 excluded under the hearsay rule if given in person, is
18 admissible in evidence if given under penalty of perjury by a
19 party or witness residing outside this state.

20 C. A copy of the record of child support payments
21 certified as a true copy of the original by the custodian of
22 the record may be forwarded to a responding tribunal. The
23 copy is evidence of facts asserted in it and is admissible to
24 show whether payments were made.

25 D. Copies of bills for testing for parentage of a

1 child and for prenatal and postnatal health care of the
2 mother and child, furnished to the adverse party at least ten
3 days before trial, are admissible in evidence to prove the
4 amount of the charges billed and that the charges were
5 reasonable, necessary and customary.

6 E. Documentary evidence transmitted from outside
7 this state to a tribunal of this state by telephone,
8 telecopier or other electronic means that do not provide an
9 original record may not be excluded from evidence on an
10 objection based on the means of transmission.

11 F. In a proceeding pursuant to the Uniform
12 Interstate Family Support Act, a tribunal of this state shall
13 permit a party or witness residing outside this state to be
14 deposed or to testify by telephone, audiovisual means or
15 other electronic means at a designated tribunal or other
16 location. A tribunal of this state shall cooperate with
17 other tribunals in designating an appropriate location for
18 the deposition or testimony.

19 G. If a party called to testify at a civil hearing
20 refuses to answer on the ground that the testimony may be
21 self-incriminating, the trier of fact may draw an adverse
22 inference from the refusal.

23 H. A privilege against disclosure of
24 communications between spouses does not apply in a proceeding
25 pursuant to the Uniform Interstate Family Support Act.

1 I. The defense of immunity based on the
2 relationship of husband and wife or parent and child does not
3 apply in a proceeding pursuant to the Uniform Interstate
4 Family Support Act.

5 J. A voluntary acknowledgment of paternity,
6 certified as a true copy, is admissible to establish
7 parentage of the child."

8 SECTION 28. Section 40-6A-317 NMSA 1978 (being Laws
9 1994, Chapter 107, Section 317, as amended) is amended to
10 read:

11 "40-6A-317. COMMUNICATIONS BETWEEN TRIBUNALS.--A
12 tribunal of this state may communicate with a tribunal
13 outside this state in a record or by telephone, electronic
14 mail or other means to obtain information concerning the
15 laws, the legal effect of a judgment, decree or order of that
16 tribunal and the status of a proceeding. A tribunal of this
17 state may furnish similar information by similar means to a
18 tribunal outside this state."

19 SECTION 29. Section 40-6A-318 NMSA 1978 (being Laws
20 1994, Chapter 107, Section 318) is amended to read:

21 "40-6A-318. ASSISTANCE WITH DISCOVERY.--A tribunal of
22 this state may:

23 A. request a tribunal outside this state to assist
24 in obtaining discovery; and

25 B. upon request, compel a person over which it has SB 284
Page 35

1 jurisdiction to respond to a discovery order issued by a
2 tribunal outside this state."

3 SECTION 30. Section 40-6A-319 NMSA 1978 (being Laws
4 1994, Chapter 107, Section 319, as amended) is amended to
5 read:

6 "40-6A-319. RECEIPT AND DISBURSEMENT OF PAYMENTS.--

7 A. A support enforcement agency or tribunal of
8 this state shall disburse promptly any amounts received
9 pursuant to a support order, as directed by the order. The
10 agency or tribunal shall furnish to a requesting party or
11 tribunal of another state or a foreign country a certified
12 statement by the custodian of the record of the amounts and
13 dates of all payments received.

14 B. If neither the obligor, nor the obligee who is
15 an individual, nor the child resides in this state, upon
16 request from the support enforcement agency of this state or
17 another state, the support enforcement agency of this state
18 or a tribunal of this state shall:

19 (1) direct that the support payment be made
20 to the support enforcement agency in the state in which the
21 obligee is receiving services; and

22 (2) issue and send to the obligor's employer
23 a conforming income-withholding order or an administrative
24 notice of change of payee, reflecting the redirected
25 payments.

1 C. The support enforcement agency of this state
2 receiving redirected payments from another state pursuant to
3 a law similar to Subsection B of this section shall furnish
4 to a requesting party or tribunal of the other state a
5 certified statement by the custodian of the record of the
6 amount and dates of all payments received."

7 SECTION 31. Section 40-6A-401 NMSA 1978 (being Laws
8 1994, Chapter 107, Section 401, as amended) is amended to
9 read:

10 "40-6A-401. ESTABLISHMENT OF SUPPORT ORDER.--

11 A. If a support order entitled to recognition
12 pursuant to the Uniform Interstate Family Support Act has not
13 been issued, a responding tribunal of this state with
14 personal jurisdiction over the parties may issue a support
15 order if:

16 (1) the individual seeking the order resides
17 outside this state; or

18 (2) the support enforcement agency seeking
19 the order is located outside this state.

20 B. The tribunal may issue a temporary child
21 support order if the tribunal determines that such an order
22 is appropriate and the individual ordered to pay is:

23 (1) a presumed father of the child;

24 (2) petitioning to have his paternity
25 adjudicated;

1 (3) identified as the father of the child
2 through genetic testing;

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

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

7 (6) an acknowledged father as provided by
8 applicable state law;

9 (7) the mother of the child; or

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

13 C. Upon finding, after notice and opportunity to
14 be heard, that an obligor owes a duty of support, the
15 tribunal shall issue a support order directed to the obligor
16 and may issue other orders pursuant to Section 40-6A-305 NMSA
17 1978."

18 SECTION 32. A new Section 40-6A-402 NMSA 1978 is
19 enacted to read:

20 "40-6A-402. PROCEEDING TO DETERMINE PARENTAGE.--A
21 tribunal of this state authorized to determine parentage of a
22 child may serve as a responding tribunal in a proceeding to
23 determine parentage of a child brought pursuant to the
24 Uniform Interstate Family Support Act or a law or procedure
25 substantially similar to that act."

1 SECTION 33. Section 40-6A-502 NMSA 1978 (being Laws
2 1997, Chapter 9, Section 12, as amended) is amended to read:

3 "40-6A-502. EMPLOYER'S COMPLIANCE WITH
4 INCOME-WITHHOLDING ORDER OF ANOTHER STATE.--

5 A. Upon receipt of an income-withholding order,
6 the obligor's employer shall immediately provide a copy of
7 the order to the obligor.

8 B. The employer shall treat an income-withholding
9 order issued in another state that appears regular on its
10 face as if it had been issued by a tribunal of this state.

11 C. Except as otherwise provided in Subsection D of
12 this section and Section 40-6A-503 NMSA 1978, the employer
13 shall withhold and distribute the funds as directed in the
14 withholding order by complying with terms of the order that
15 specify:

16 (1) the duration and amount of periodic
17 payments of current child support, stated as a sum certain;

18 (2) the person designated to receive
19 payments and the address to which the payments are to be
20 forwarded;

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

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

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

8 D. An employer shall comply with the law of the
9 state of the obligor's principal place of employment for
10 withholding from income with respect to:

11 (1) the employer's fee for processing an
12 income-withholding order;

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

15 (3) the times within which the employer
16 shall implement the withholding order and forward the
17 child-support payment."

18 SECTION 34. Section 40-6A-504 NMSA 1978 (being Laws
19 1997, Chapter 9, Section 14) is amended to read:

20 "40-6A-504. IMMUNITY FROM CIVIL LIABILITY.--An employer
21 that complies with an income-withholding order issued in
22 another state in accordance with Sections 40-6A-501 through
23 40-6A-507 NMSA 1978 is not subject to civil liability to an
24 individual or agency with regard to the employer's
25 withholding of child support from the obligor's income."

1 SECTION 35. Section 40-6A-505 NMSA 1978 (being Laws
2 1997, Chapter 9, Section 15) is amended to read:

3 "40-6A-505. PENALTIES FOR NONCOMPLIANCE.--An employer
4 that willfully fails to comply with an income-withholding
5 order issued in another state and received for enforcement is
6 subject to the same penalties that may be imposed for
7 noncompliance with an order issued by a tribunal of this
8 state."

9 SECTION 36. Section 40-6A-506 NMSA 1978 (being Laws
10 1997, Chapter 9, Section 16, as amended) is amended to read:

11 "40-6A-506. CONTEST BY OBLIGOR.--

12 A. An obligor may contest the validity or
13 enforcement of an income-withholding order issued in another
14 state and received directly by an employer in this state by
15 registering the order in a tribunal of this state and filing
16 a contest to that order as provided in Sections 40-6A-601
17 through 40-6A-616 NMSA 1978, or otherwise contesting the
18 order in the same manner as if the order had been issued by a
19 tribunal of this state.

20 B. The obligor shall give notice of the contest
21 to:

22 (1) a support enforcement agency providing
23 services to the obligee;

24 (2) each employer that has directly received
25 an income-withholding order relating to the obligor; and

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

4 SECTION 37. Section 40-6A-507 NMSA 1978 (being Laws
5 1997, Chapter 9, Section 17, as amended) is amended to read:

6 "40-6A-507. ADMINISTRATIVE ENFORCEMENT OF ORDERS.--

7 A. A party or support enforcement agency seeking
8 to enforce a support order or an income-withholding order, or
9 both, issued in another state, or a foreign support order may
10 send the documents required for registering the order to a
11 support enforcement agency of this state.

12 B. Upon receipt of the documents, the support
13 enforcement agency, without initially seeking to register the
14 order, shall consider and, if appropriate, use any
15 administrative procedure authorized by the law of this state
16 to enforce a support order or an income-withholding order, or
17 both. If the obligor does not contest administrative
18 enforcement, the order need not be registered. If the
19 obligor contests the validity or administrative enforcement
20 of the order, the support enforcement agency shall register
21 the order pursuant to the Uniform Interstate Family Support
22 Act."

23 SECTION 38. Section 40-6A-601 NMSA 1978 (being Laws
24 1994, Chapter 107, Section 601, as amended) is amended to
25 read:

1 "40-6A-601. REGISTRATION OF ORDER FOR ENFORCEMENT.--A
2 support order or income-withholding order issued in another
3 state or a foreign support order may be registered in this
4 state for enforcement."

5 SECTION 39. Section 40-6A-602 NMSA 1978 (being Laws
6 1994, Chapter 107, Section 602, as amended) is amended to
7 read:

8 "40-6A-602. PROCEDURE TO REGISTER ORDER FOR
9 ENFORCEMENT.--

10 A. Except as otherwise provided in Section
11 40-6A-706 NMSA 1978, a support order or income-withholding
12 order of another state or a foreign support order may be
13 registered in this state by sending the following records to
14 the appropriate tribunal in this state:

15 (1) a letter of transmittal to the tribunal
16 requesting registration and enforcement;

17 (2) two copies, including one certified
18 copy, of the order to be registered, including any
19 modification of the order;

20 (3) a sworn statement by the person
21 requesting registration or a certified statement by the
22 custodian of the records showing the amount of any arrearage;

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

24 (a) the obligor's address and social
25 security number;

1 (b) the name and address of the
2 obligor's employer and any other source of income of the
3 obligor; and

4 (c) a description and the location of
5 property of the obligor in this state not exempt from
6 execution; and

7 (5) except as otherwise provided in Section
8 40-6A-312 NMSA 1978, the name and address of the obligee and,
9 if applicable, the person to whom support payments are to be
10 remitted.

11 B. On receipt of a request for registration, the
12 registering tribunal shall cause the order to be filed as an
13 order of a tribunal of another state or as a foreign support
14 order, together with one copy of the documents and
15 information, regardless of their form.

16 C. A petition or comparable pleading seeking a
17 remedy that must be affirmatively sought under other law of
18 this state may be filed at the same time as the request for
19 registration or later. The pleading shall specify the
20 grounds for the remedy sought.

21 D. If two or more orders are in effect, the person
22 requesting registration shall:

23 (1) furnish to the tribunal a copy of every
24 support order asserted to be in effect in addition to the
25 documents specified in this section;

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

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

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

11 SECTION 40. Section 40-6A-603 NMSA 1978 (being Laws
12 1994, Chapter 107, Section 603) is amended to read:

13 "40-6A-603. EFFECT OF REGISTRATION FOR ENFORCEMENT.--

14 A. A support order or income-withholding order
15 issued in another state or a foreign support order is
16 registered when the order is filed in the registering
17 tribunal of this state.

18 B. A registered support order issued in another
19 state or a foreign country is enforceable in the same manner
20 and is subject to the same procedures as an order issued by a
21 tribunal of this state.

22 C. Except as otherwise provided in Sections
23 40-6A-601 through 40-6A-616 NMSA 1978, a tribunal of this
24 state shall recognize and enforce, but may not modify, a
25 registered support order if the issuing tribunal had

1 jurisdiction."

2 SECTION 41. Section 40-6A-604 NMSA 1978 (being Laws
3 1994, Chapter 107, Section 604, as amended) is amended to
4 read:

5 "40-6A-604. CHOICE OF LAW.--

6 A. Except as otherwise provided in Subsection D of
7 this section, the law of the issuing state or foreign country
8 governs:

9 (1) the nature, extent, amount and duration
10 of current payments under a registered support order;

11 (2) the computation and payment of
12 arrearages and accrual of interest on the arrearages under
13 the support order; and

14 (3) the existence and satisfaction of other
15 obligations under the support order.

16 B. In a proceeding for arrears under a registered
17 support order, the statute of limitation of this state or of
18 the issuing state or foreign country, whichever is longer,
19 applies.

20 C. A responding tribunal of this state shall apply
21 the procedures and remedies of this state to enforce current
22 support and collect arrears and interest due on a support
23 order of another state or a foreign country registered in
24 this state.

25 D. After a tribunal of this or another state

1 determines which is the controlling order and issues an order
2 consolidating arrears, if any, a tribunal of this state shall
3 prospectively apply the law of the state or foreign
4 country issuing the controlling order, including its law on
5 interest on arrears, on current and future support, and on
6 consolidated arrears."

7 SECTION 42. Section 40-6A-605 NMSA 1978 (being Laws
8 1994, Chapter 107, Section 605, as amended) is amended to
9 read:

10 "40-6A-605. NOTICE OF REGISTRATION OF ORDER.--

11 A. When a support order or income-withholding
12 order issued in another state or a foreign support order is
13 registered, the registering tribunal of this state shall
14 notify the nonregistering party. The notice shall be
15 accompanied by a copy of the registered order and the
16 documents and relevant information accompanying the order.

17 B. A notice shall inform the nonregistering party:

18 (1) that a registered order is enforceable
19 as of the date of registration in the same manner as an order
20 issued by a tribunal of this state;

21 (2) that a hearing to contest the validity
22 or enforcement of the registered order must be requested
23 within twenty days after notice unless the registered order
24 is pursuant to Section 40-6A-707 NMSA 1978;

25 (3) that failure to contest the validity or

1 enforcement of the registered order in a timely manner will
2 result in confirmation of the order and enforcement of the
3 order and the alleged arrearage and precludes further contest
4 of that order with respect to any matter that could have been
5 asserted; and

6 (4) of the amount of any alleged arrearage.

7 C. If the registering party asserts that two or
8 more orders are in effect, a notice shall also:

9 (1) identify the two or more orders and the
10 order alleged by the registering party to be the controlling
11 order and the consolidated arrears, if any;

12 (2) notify the nonregistering party of the
13 right to a determination of which is the controlling order;

14 (3) state that the procedures provided in
15 Subsection B of this section apply to the determination of
16 which is the controlling order; and

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

21 D. Upon registration of an income-withholding
22 order for enforcement, the support enforcement agency or the
23 registering tribunal shall notify the obligor's employer."

24 SECTION 43. Section 40-6A-606 NMSA 1978 (being Laws
25 1994, Chapter 107, Section 606, as amended) is amended to

1 read:

2 "40-6A-606. PROCEDURE TO CONTEST VALIDITY OR
3 ENFORCEMENT OF REGISTERED SUPPORT ORDER.--

4 A. A nonregistering party seeking to contest the
5 validity or enforcement of a registered support order in this
6 state shall request a hearing within the time required by
7 Section 40-6A-605 NMSA 1978. The nonregistering party may
8 seek to vacate the registration, to assert any defense to an
9 allegation of noncompliance with the registered support order
10 or to contest the remedies being sought or the amount of any
11 alleged arrearage pursuant to Section 40-6A-607 NMSA 1978.

12 B. If the nonregistering party fails to contest
13 the validity or enforcement of the registered support order
14 in a timely manner, the order is confirmed by operation of
15 law.

16 C. If a nonregistering party requests a hearing to
17 contest the validity or enforcement of the registered support
18 order, the registering tribunal shall schedule the matter for
19 hearing and give notice to the parties of the date, time and
20 place of the hearing."

21 SECTION 44. Section 40-6A-607 NMSA 1978 (being Laws
22 1994, Chapter 107, Section 607, as amended) is amended to
23 read:

24 "40-6A-607. CONTEST OF REGISTRATION OR ENFORCEMENT.--

25 A. A party contesting the validity or enforcement

1 of a registered support order or seeking to vacate the
2 registration has the burden of proving one or more of the
3 following defenses:

4 (1) the issuing tribunal lacked personal
5 jurisdiction over the contesting party;

6 (2) the order was obtained by fraud;

7 (3) the order has been vacated, suspended or
8 modified by a later order;

9 (4) the issuing tribunal has stayed the
10 order pending appeal;

11 (5) there is a defense under the law of this
12 state to the remedy sought;

13 (6) full or partial payment has been made;

14 (7) the statute of limitation under Section
15 40-6A-604 NMSA 1978 precludes enforcement of some or all of
16 the alleged arrearage; or

17 (8) the alleged controlling order is not the
18 controlling order.

19 B. If a party presents evidence establishing a
20 full or partial defense under Subsection A of this section, a
21 tribunal may stay enforcement of a registered support order,
22 continue the proceeding to permit production of additional
23 relevant evidence and issue other appropriate orders. An
24 uncontested portion of the registered support order may be
25 enforced by all remedies available under the law of this

1 state.

2 C. If the contesting party does not establish a
3 defense under Subsection A of this section to the validity or
4 enforcement of a registered support order, the registering
5 tribunal shall issue an order confirming the order."

6 SECTION 45. Section 40-6A-608 NMSA 1978 (being Laws
7 1994, Chapter 107, Section 608) is amended to read:

8 "40-6A-608. CONFIRMED ORDER.--Confirmation of a
9 registered support order, whether by operation of law or
10 after notice and hearing, precludes further contest of the
11 order with respect to any matter that could have been
12 asserted at the time of registration."

13 SECTION 46. Section 40-6A-609 NMSA 1978 (being Laws
14 1994, Chapter 107, Section 609) is amended to read:

15 "40-6A-609. PROCEDURE TO REGISTER CHILD SUPPORT ORDER
16 OF ANOTHER STATE FOR MODIFICATION.--A party or support
17 enforcement agency seeking to modify, or to modify and
18 enforce, a child support order issued in another state shall
19 register that order in this state in the same manner provided
20 in Sections 40-6A-601 through 40-6A-608 NMSA 1978 if the
21 order has not been registered. A petition for modification
22 may be filed at the same time as a request for registration,
23 or later. The pleading shall specify the grounds for
24 modification."

25 SECTION 47. Section 40-6A-610 NMSA 1978 (being Laws

1 1994, Chapter 107, Section 610, as amended) is amended to
2 read:

3 "40-6A-610. EFFECT OF REGISTRATION FOR MODIFICATION.--
4 A tribunal of this state may enforce a child support order of
5 another state registered for purposes of modification, in the
6 same manner as if the order had been issued by a tribunal of
7 this state, but the registered support order may be modified
8 only if the requirements of Section 40-6A-611 or 40-6A-613
9 NMSA 1978 have been met."

10 SECTION 48. Section 40-6A-611 NMSA 1978 (being Laws
11 1994, Chapter 107, Section 611, as amended) is amended to
12 read:

13 "40-6A-611. MODIFICATION OF CHILD-SUPPORT ORDER OF
14 ANOTHER STATE.--

15 A. If Section 40-6A-613 NMSA 1978 does not apply,
16 upon petition, a tribunal of this state may modify a
17 child-support order issued in another state that is
18 registered in this state if, after notice and hearing, the
19 tribunal finds that:

20 (1) the following requirements are met:

21 (a) neither the child, nor the obligee
22 who is an individual nor the obligor resides in the issuing
23 state;

24 (b) a petitioner who is a nonresident
25 of this state seeks modification; and

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

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

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

15 C. A tribunal of this state may not modify any
16 aspect of a child-support order that may not be modified
17 under the law of the issuing state, including the duration of
18 the obligation of support. If two or more tribunals have
19 issued child-support orders for the same obligor and same
20 child, the order that controls and shall be so recognized
21 under Section 40-6A-207 NMSA 1978 establishes the aspects of
22 the support order which are nonmodifiable.

23 D. In a proceeding to modify a child-support
24 order, the law of the state that is determined to have issued
25 the initial controlling order governs the duration of the

1 obligation of support. The obligor's fulfillment of the duty
2 of support established by that order precludes imposition of
3 further obligation of support by a tribunal of this state.

4 E. On issuance of an order by a tribunal of this
5 state modifying a child-support order issued in another
6 state, the tribunal of this state becomes the tribunal having
7 continuing, exclusive jurisdiction.

8 F. Notwithstanding Subsections A through E of this
9 section and Subsection B of Section 40-6A-201 NMSA 1978, a
10 tribunal of this state retains jurisdiction to modify an
11 order issued by a tribunal of this state if:

12 (1) one party resides in another state; and

13 (2) the other party resides outside the

14 United States."

15 SECTION 49. Section 40-6A-612 NMSA 1978 (being Laws
16 1994, Chapter 107, Section 612, as amended) is amended to
17 read:

18 "40-6A-612. RECOGNITION OF ORDER MODIFIED IN ANOTHER
19 STATE.--If a child-support order issued by a tribunal of this
20 state is modified by a tribunal of another state that assumed
21 jurisdiction pursuant to the Uniform Interstate Family
22 Support Act, a tribunal of this state:

23 A. may enforce its order that was modified only as
24 to arrears and interest accruing before the modification;

25 B. may provide appropriate relief for violations

1 of its order that occurred before the effective date of the
2 modification; and

3 C. shall recognize the modifying order of the
4 other state, upon registration, for the purpose of
5 enforcement."

6 SECTION 50. Section 40-6A-613 NMSA 1978 (being Laws
7 1997, Chapter 9, Section 21) is amended to read:

8 "40-6A-613. JURISDICTION TO MODIFY CHILD-SUPPORT ORDER
9 OF ANOTHER STATE WHEN INDIVIDUAL PARTIES RESIDE IN THIS
10 STATE.--

11 A. If all of the parties who are individuals
12 reside in this state and the child does not reside in the
13 issuing state, a tribunal of this state has jurisdiction to
14 enforce and to modify the issuing state's child-support order
15 in a proceeding to register that order.

16 B. A tribunal of this state exercising
17 jurisdiction under this section shall apply the provisions of
18 Sections 40-6A-101 through 40-6A-211 and 40-6A-601 through
19 40-6A-616 NMSA 1978 and the procedural and substantive law of
20 this state to the proceeding for enforcement or modification.
21 Sections 40-6A-301 through 40-6A-507 and 40-6A-701 through
22 40-6A-802 NMSA 1978 do not apply."

23 SECTION 51. Section 40-6A-615 NMSA 1978 (being Laws
24 2005, Chapter 166, Section 43) is amended to read:

25 "40-6A-615. JURISDICTION TO MODIFY CHILD-SUPPORT ORDER

1 OF FOREIGN COUNTRY.--

2 A. Except as otherwise provided in Section
3 40-6A-711 NMSA 1978, if a foreign country lacks or refuses to
4 exercise jurisdiction to modify its child-support order
5 pursuant to its laws, a tribunal of this state may assume
6 jurisdiction to modify the child-support order and bind all
7 individuals subject to the personal jurisdiction of the
8 tribunal whether or not the consent to modification of a
9 child-support order otherwise required of the individual
10 pursuant to Section 40-6A-611 NMSA 1978 has been given or
11 whether the individual seeking modification is a resident of
12 this state or of the foreign country.

13 B. An order issued by a tribunal of this state
14 modifying a foreign child-support order pursuant to this
15 section is the controlling order."

16 SECTION 52. A new Section 40-6A-616 NMSA 1978 is
17 enacted to read:

18 "40-6A-616. PROCEDURE TO REGISTER CHILD-SUPPORT ORDER
19 OF FOREIGN COUNTRY FOR MODIFICATION.--A party or support
20 enforcement agency seeking to modify, or to modify and
21 enforce, a foreign child-support order not pursuant to the
22 convention may register that order in this state pursuant to
23 Sections 40-6A-601 through 40-6A-608 NMSA 1978 if the order
24 has not been registered. A petition for modification may be
25 filed at the same time as a request for registration or at

1 another time. The petition shall specify the grounds for
2 modification."

3 SECTION 53. Section 40-6A-701 NMSA 1978 (being Laws
4 1994, Chapter 107, Section 701, as amended) is repealed and a
5 new Section 40-6A-701 NMSA 1978 is enacted to read:

6 "40-6A-701. DEFINITIONS.--As used in Sections 40-6A-701
7 through 40-6A-713 NMSA 1978:

8 A. "application" means a request pursuant to the
9 convention by an obligee or obligor, or on behalf of a child,
10 made through a central authority for assistance from another
11 central authority;

12 B. "central authority" means the entity designated
13 by the United States or a foreign country described in
14 Paragraph (4) of Subsection E of Section 40-6A-102 NMSA 1978
15 to perform the functions specified in the convention;

16 C. "convention child-support order" means a
17 child-support order of a tribunal of a foreign country
18 described in Paragraph (4) of Subsection E of Section
19 40-6A-102 NMSA 1978;

20 D. "convention support order" means a support
21 order of a tribunal of a foreign country described in
22 Paragraph (4) of Subsection E of Section 40-6A-102 NMSA 1978;

23 E. "direct request" means a petition filed by an
24 individual in a tribunal of this state in a proceeding
25 involving an obligee, obligor or child residing outside the

1 United States;

2 F. "foreign central authority" means the entity
3 designated by a foreign country described in Paragraph (4) of
4 Subsection E of Section 40-6A-102 NMSA 1978 to perform the
5 functions specified in the convention;

6 G. "foreign support agreement":

7 (1) means an agreement for support in a
8 record that:

9 (a) is enforceable as a support order
10 in the country of origin;

11 (b) has been: 1) formally drawn up or
12 registered as an authentic instrument by a foreign tribunal;
13 or 2) authenticated by or concluded, registered or filed
14 with a foreign tribunal; and

15 (c) may be reviewed and modified by a
16 foreign tribunal; and

17 (2) includes a maintenance arrangement or
18 authentic instrument pursuant to the convention; and

19 H. "United States central authority" means the
20 secretary of the United States department of health and human
21 services."

22 SECTION 54. A new Section 40-6A-702 NMSA 1978 is
23 enacted to read:

24 "40-6A-702. APPLICABILITY.--Sections 40-6A-701 through
25 40-6A-713 NMSA 1978 apply only to a support proceeding

1 pursuant to the convention. In such a proceeding, if a
2 provision of Sections 40-6A-701 through 40-6A-713 NMSA 1978
3 is inconsistent with Sections 40-6A-101 through 40-6A-616
4 NMSA 1978, the provisions of Sections 40-6A-701 through
5 40-6A-713 NMSA 1978 control."

6 SECTION 55. A new Section 40-6A-703 NMSA 1978 is
7 enacted to read:

8 "40-6A-703. RELATIONSHIP OF HUMAN SERVICES DEPARTMENT
9 TO UNITED STATES CENTRAL AUTHORITY. The human services
10 department of this state is recognized as the agency
11 designated by the United States central authority to perform
12 specific functions pursuant to the convention."

13 SECTION 56. A new Section 40-6A-704 NMSA 1978 is
14 enacted to read:

15 "40-6A-704. INITIATION BY HUMAN SERVICES DEPARTMENT OF
16 SUPPORT PROCEEDING UNDER CONVENTION.--

17 A. In a support proceeding pursuant to Sections
18 40-6A-701 through 40-6A-713 NMSA 1978, the human services
19 department of this state shall:

20 (1) transmit and receive applications; and
21 (2) initiate or facilitate the institution
22 of a proceeding regarding an application in a tribunal of
23 this state.

24 B. The following support proceedings are available
25 to an obligee pursuant to the convention:

1 (1) recognition or recognition and
2 enforcement of a foreign support order;

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

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

8 (4) establishment of a support order if
9 recognition of a foreign support order is refused pursuant to
10 Paragraph (2), (4) or (9) of Subsection B of Section
11 40-6A-708 NMSA 1978;

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

14 (6) modification of a support order of a
15 tribunal of another state or a foreign country.

16 C. The following support proceedings are available
17 pursuant to the convention to an obligor against which there
18 is an existing support order:

19 (1) recognition of an order suspending or
20 limiting enforcement of an existing support order of a
21 tribunal of this state;

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

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

1 D. A tribunal of this state may not require
2 security, bond or deposit, however described, to guarantee
3 the payment of costs and expenses in proceedings pursuant to
4 the convention."

5 SECTION 57. A new Section 40-6A-705 NMSA 1978 is
6 enacted to read:

7 "40-6A-705. DIRECT REQUEST.--

8 A. A petitioner may file a direct request seeking
9 establishment or modification of a support order or
10 determination of parentage of a child. In the proceeding,
11 the law of this state applies.

12 B. A petitioner may file a direct request seeking
13 recognition and enforcement of a support order or foreign
14 support agreement. In the proceeding, Sections 40-6A-706
15 through 40-6A-713 NMSA 1978 apply.

16 C. In a direct request for recognition and
17 enforcement of a convention support order or foreign support
18 agreement:

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

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

1 D. A petitioner filing a direct request is not
2 entitled to assistance from the human services department of
3 this state.

4 E. Sections 40-6A-701 through 40-6A-713 NMSA 1978
5 do not prevent the application of laws of this state that
6 provide simplified, more expeditious rules regarding a direct
7 request for recognition and enforcement of a foreign support
8 order or foreign support agreement."

9 SECTION 58. A new Section 40-6A-706 NMSA 1978 is
10 enacted to read:

11 "40-6A-706. REGISTRATION OF CONVENTION SUPPORT ORDER.--

12 A. Except as otherwise provided in Sections
13 40-6A-701 through 40-6A-713 NMSA 1978, a party who is an
14 individual or a support enforcement agency seeking
15 recognition of a convention support order shall register the
16 order in this state as provided in Sections 40-6A-601 through
17 40-6A-616 NMSA 1978.

18 B. Notwithstanding Section 40-6A-311 NMSA 1978 and
19 Subsection A of Section 40-6A-602 NMSA 1978, a request for
20 registration of a convention support order must be
21 accompanied by:

22 (1) a complete text of the support order or
23 an abstract or extract of the support order drawn up by the
24 issuing foreign tribunal, which may be in the form
25 recommended by The Hague Conference on Private International

1 Law;

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

4 (3) if the respondent did not appear and was
5 not represented in the proceedings in the issuing country, a
6 record attesting, as appropriate, either that the respondent
7 had proper notice of the proceedings and an opportunity to be
8 heard or that the respondent had proper notice of the support
9 order and an opportunity to be heard in a challenge or appeal
10 on fact or law before a tribunal;

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

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

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

20 C. A request for registration of a convention
21 support order may seek recognition and partial enforcement of
22 the order.

23 D. A tribunal of this state may vacate the
24 registration of a convention support order without the filing
25 of a contest pursuant to Section 40-6A-707 NMSA 1978 only if,

1 acting on its own motion, the tribunal finds that recognition
2 and enforcement of the order would be manifestly incompatible
3 with public policy.

4 E. The tribunal shall promptly notify the parties
5 of the registration or the order vacating the registration of
6 a convention support order."

7 SECTION 59. A new Section 40-6A-707 NMSA 1978 is
8 enacted to read:

9 "40-6A-707. CONTEST OF REGISTERED CONVENTION SUPPORT
10 ORDER.--

11 A. Except as otherwise provided in Sections
12 40-6A-701 through 40-6A-713 NMSA 1978, Sections 40-6A-605
13 through 40-6A-608 NMSA 1978 apply to a contest of a
14 registered convention support order.

15 B. A party contesting a registered convention
16 support order shall file a contest not later than thirty days
17 after notice of the registration, but if the contesting party
18 does not reside in the United States, the contest must be
19 filed not later than sixty days after notice of the
20 registration.

21 C. If the nonregistering party fails to contest
22 the registered convention support order by the time specified
23 in Subsection B of this section, the order is enforceable.

24 D. A contest of a registered convention support
25 order may be based only on grounds set forth in Section

1 40-6A-708 NMSA 1978. The contesting party bears the burden
2 of proof.

3 E. In a contest of a registered convention support
4 order, a tribunal of this state:

5 (1) is bound by the findings of fact on
6 which the foreign tribunal based its jurisdiction; and

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

8 F. A tribunal of this state deciding a contest of
9 a registered convention support order shall promptly notify
10 the parties of its decision.

11 G. A challenge or appeal, if any, does not stay
12 the enforcement of a convention support order unless there
13 are exceptional circumstances."

14 SECTION 60. A new Section 40-6A-708 NMSA 1978 is
15 enacted to read:

16 "40-6A-708. RECOGNITION AND ENFORCEMENT OF REGISTERED
17 CONVENTION SUPPORT ORDER.--

18 A. Except as otherwise provided in Subsection B of
19 this section, a tribunal of this state shall recognize and
20 enforce a registered convention support order.

21 B. The following grounds are the only grounds on
22 which a tribunal of this state may refuse recognition and
23 enforcement of a registered convention support order:

24 (1) recognition and enforcement of the order
25 is manifestly incompatible with public policy, including the

1 failure of the issuing tribunal to observe minimum standards
2 of due process, which include notice and an opportunity to be
3 heard;

4 (2) the issuing tribunal lacked personal
5 jurisdiction consistent with the requirements of Section
6 40-6A-201 NMSA 1978 if those requirements were applied to the
7 foreign country where the tribunal is located;

8 (3) the order is not enforceable in the
9 issuing foreign country;

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

12 (5) a record transmitted in accordance with
13 Section 40-6A-706 NMSA 1978 lacks authenticity or integrity;

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

17 (7) the order is incompatible with a more
18 recent support order involving the same parties and having
19 the same purpose if the more recent support order is entitled
20 to recognition and enforcement pursuant to Sections 40-6A-701
21 through 40-6A-713 NMSA 1978 in this state;

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

24 (9) in a case in which the respondent
25 neither appeared nor was represented in the proceeding in the

1 issuing foreign country:

2 (a) if the law of that country provides
3 for prior notice of proceedings, the respondent did not have
4 proper notice of the proceedings and an opportunity to be
5 heard; or

6 (b) if the law of that country does not
7 provide for prior notice of the proceedings, the respondent
8 did not have proper notice of the order and an opportunity to
9 be heard in a challenge or appeal on fact or law before a
10 tribunal; or

11 (10) the order was made in violation of
12 Section 40-6A-711 NMSA 1978.

13 C. If a tribunal of this state does not recognize
14 a convention support order pursuant to Paragraph (2), (4),
15 (6) or (9) of Subsection B of this section:

16 (1) the tribunal may not dismiss the
17 proceeding without allowing a reasonable time for a party to
18 request the establishment of a new convention support order;
19 and

20 (2) the human services department of this
21 state shall take all appropriate measures to request a
22 child-support order for the obligee if the application for
23 recognition and enforcement was received pursuant to Section
24 40-6A-704 NMSA 1978."

25 SECTION 61. A new Section 40-6A-709 NMSA 1978 is

1 enacted to read:

2 "40-6A-709. PARTIAL ENFORCEMENT.--If a tribunal of this
3 state does not recognize and enforce a convention support
4 order in its entirety, it shall enforce any severable part of
5 the order. An application or direct request may seek
6 recognition and partial enforcement of a convention support
7 order."

8 SECTION 62. A new Section 40-6A-710 NMSA 1978 is
9 enacted to read:

10 "40-6A-710. FOREIGN SUPPORT AGREEMENT.--

11 A. Except as otherwise provided in Subsections C
12 and D of this section, a tribunal of this state shall
13 recognize and enforce a foreign support agreement registered
14 in this state.

15 B. An application or direct request for
16 recognition and enforcement of a foreign support agreement
17 must be accompanied by:

18 (1) a complete text of the foreign support
19 agreement; and

20 (2) a record stating that the foreign
21 support agreement is enforceable as an order of support in
22 the issuing foreign country.

23 C. A tribunal of this state may vacate the
24 registration of a foreign support agreement only if, acting
25 on its own motion, the tribunal finds that recognition and

1 enforcement would be manifestly incompatible with public
2 policy.

3 D. In a contest of a foreign support agreement, a
4 tribunal of this state may refuse recognition and enforcement
5 of the agreement if it finds:

6 (1) recognition and enforcement of the
7 agreement is manifestly incompatible with public policy;

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

10 (3) the agreement is incompatible with a
11 support order involving the same parties and having the same
12 purpose in this state, another state, or a foreign country if
13 the support order is entitled to recognition and enforcement
14 pursuant to Sections 40-6A-701 through 40-6A-713 NMSA 1978 in
15 this state; or

16 (4) the record submitted pursuant to
17 Subsection B of this section lacks authenticity or integrity.

18 E. A proceeding for recognition and enforcement of
19 a foreign support agreement must be suspended during the
20 pendency of a challenge to or appeal of the agreement before
21 a tribunal of another state or a foreign country."

22 SECTION 63. A new Section 40-6A-711 NMSA 1978 is
23 enacted to read:

24 "40-6A-711. MODIFICATION OF CONVENTION CHILD-SUPPORT
25 ORDER.--

1 A. A tribunal of this state may not modify a
2 convention child-support order if the obligee remains a
3 resident of the foreign country where the support order was
4 issued unless:

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

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

12 B. If a tribunal of this state does not modify a
13 convention child-support order because the order is not
14 recognized in this state, Subsection C of Section 40-6A-708
15 NMSA 1978 applies."

16 SECTION 64. A new Section 40-6A-712 NMSA 1978 is
17 enacted to read:

18 "40-6A-712. PERSONAL INFORMATION--LIMIT ON USE.--
19 Personal information gathered or transmitted pursuant to
20 Sections 40-6A-701 through 40-6A-713 NMSA 1978 may be used
21 only for the purposes for which it was gathered or
22 transmitted."

23 SECTION 65. A new Section 40-6A-713 NMSA 1978 is
24 enacted to read:

25 "40-6A-713. RECORD IN ORIGINAL LANGUAGE--ENGLISH

1 TRANSLATION.--A record filed with a tribunal of this state
2 pursuant to Sections 40-6A-701 through 40-6A-713 NMSA 1978
3 must be in the original language and, if not in English, must
4 be accompanied by an English translation. The cost of the
5 translation shall be paid by the state or foreign country
6 issuing the record."

7 SECTION 66. Section 40-6A-801 NMSA 1978 (being Laws
8 1994, Chapter 107, Section 801, as amended) is amended to
9 read:

10 "40-6A-801. GROUNDS FOR RENDITION.--

11 A. For purposes of Section 40-6A-802 NMSA 1978,
12 "governor" includes an individual performing the functions of
13 governor or the executive authority of a state covered by the
14 Uniform Interstate Family Support Act.

15 B. The governor of this state may:

16 (1) demand that the governor of another
17 state surrender an individual found in the other state who is
18 charged criminally in this state with having failed to
19 provide for the support of an obligee; or

20 (2) on the demand of the governor of another
21 state, surrender an individual found in this state who is
22 charged criminally in the other state with having failed to
23 provide for the support of an obligee.

24 C. A provision for extradition of individuals not
25 inconsistent with the Uniform Interstate Family Support Act

1 applies to the demand even if the individual whose surrender
2 is demanded was not in the demanding state when the crime was
3 allegedly committed and has not fled therefrom."

4 SECTION 67. Section 40-6A-802 NMSA 1978 (being Laws
5 1994, Chapter 107, Section 802, as amended) is amended to
6 read:

7 "40-6A-802. CONDITIONS OF RENDITION.--

8 A. Before making demand that the governor of
9 another state surrender an individual charged criminally in
10 this state with having failed to provide for the support of
11 an obligee, the governor of this state may require a
12 prosecutor of this state to demonstrate that at least sixty
13 days previously the obligee had initiated proceedings for
14 support pursuant to the Uniform Interstate Family Support Act
15 or that the proceeding would be of no avail.

16 B. If, under the Uniform Interstate Family Support
17 Act or a law substantially similar to that act, the governor
18 of another state makes a demand that the governor of this
19 state surrender an individual charged criminally in that
20 state with having failed to provide for the support of a
21 child or other individual to whom a duty of support is owed,
22 the governor may require a prosecutor to investigate the
23 demand and report whether a proceeding for support has been
24 initiated or would be effective. If it appears that a
25 proceeding would be effective but has not been initiated, the

1 governor may delay honoring the demand for a reasonable time
2 to permit the initiation of a proceeding.

3 C. If a proceeding for support has been initiated
4 and the individual whose rendition is demanded prevails, the
5 governor may decline to honor the demand. If the petitioner
6 prevails and the individual whose rendition is demanded is
7 subject to a support order, the governor may decline to honor
8 the demand if the individual is complying with the support
9 order."

10 SECTION 68. TEMPORARY PROVISION--RECOMPILATION.--

11 Section 40-6A-100 NMSA 1978 (being Laws 1994, Chapter 107,
12 Section 902, as amended) is recompiled as Section 40-6A-101
13 NMSA 1978.

14 SECTION 69. APPLICABILITY.--The provisions of this act

15 apply to proceedings begun on or after January 1, 2012 to
16 establish a support order, to determine parentage of a child
17 or to register, recognize, enforce or modify a prior support
18 order, determination or agreement, whenever issued or
19 entered.

20 SECTION 70. CONTINGENT EFFECTIVE DATE.--The effective

21 date of the provisions of this act is the later of:

22 A. the date that the United States deposits the
23 instrument of ratification for the Hague Convention on the
24 International Recovery of Child Support and Other Forms of
25 Family Maintenance with the Hague conference on private

1 international law, as certified by the secretary of human
2 services; or

3 B. January 1, 2012. _____

SB 284
Page 74

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