

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1603 Session of 2015

INTRODUCED BY WATSON, TOOHL, PETRI, COHEN, EVERETT, HARHART, PHILLIPS-HILL, KAVULICH, MURT, O'NEILL, ROZZI, SAYLOR, YOUNGBLOOD, JAMES, BULLOCK, ACOSTA, BISHOP, KORTZ AND BARBIN, OCTOBER 7, 2015

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, DECEMBER 9, 2015

AN ACT

1 Amending ~~Title~~ TITLES 23 (Domestic Relations) AND 42 (JUDICIARY <--
2 AND JUDICIAL PROCEDURE) of the Pennsylvania Consolidated
3 Statutes, PROVIDING FOR SEX TRAFFICKING AND MISSING AND <--
4 ABDUCTED CHILDREN; in uniform interstate family support,
5 making extensive revisions to general provisions,
6 jurisdiction, civil provisions of general application,
7 establishment of support order, direct enforcement of order
8 of another state without registration, enforcement and
9 modification of support order after registration,
10 determination of parentage, interstate rendition and
11 miscellaneous provisions; and providing for support <--
12 proceeding under convention; AND, IN JUVENILE MATTERS, <--
13 FURTHER PROVIDING FOR DEFINITIONS AND FOR DISPOSITION OF
14 DEPENDENT CHILDREN.

15 The General Assembly of the Commonwealth of Pennsylvania
16 hereby enacts as follows:

17 ~~Section 1. Section 7101 of Title 23 of the Pennsylvania <--
18 Consolidated Statutes is amended to read:~~

19 SECTION 1. TITLE 23 OF THE PENNSYLVANIA CONSOLIDATED <--
20 STATUTES IS AMENDED BY ADDING A CHAPTER TO READ:

21 CHAPTER 57
22 SEX TRAFFICKING AND MISSING AND ABDUCTED CHILDREN

1 SEC.

2 5701. DEFINITIONS.

3 5702. COUNTY RESPONSIBILITIES.

4 5703. LAW ENFORCEMENT RESPONSIBILITIES.

5 § 5701. DEFINITIONS.

6 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
7 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
8 CONTEXT CLEARLY INDICATES OTHERWISE:

9 "CHILD." AN INDIVIDUAL WHO IS UNDER 21 YEARS OF AGE AND
10 MEETS ONE OF THE FOLLOWING:

11 (1) THE COUNTY AGENCY IS CONDUCTING AN ASSESSMENT OF THE
12 NEED FOR SERVICES.

13 (2) THE COUNTY AGENCY IS CONDUCTING AN INVESTIGATION OF
14 SUSPECTED CHILD ABUSE OF THE CHILD UNDER CHAPTER 63 (RELATING
15 TO CHILD PROTECTIVE SERVICES).

16 (3) THE COUNTY AGENCY IS PROVIDING SERVICES TO THE
17 CHILD.

18 "COUNTY AGENCY." AS DEFINED IN SECTION 6303 (RELATING TO
19 DEFINITIONS).

20 "DEPARTMENT." THE DEPARTMENT OF HUMAN SERVICES OF THE
21 COMMONWEALTH.

22 "LAW ENFORCEMENT." THE LAW ENFORCEMENT AGENCY WHICH IS
23 RESPONSIBLE FOR INVESTIGATING CASES OF MISSING CHILDREN UNDER 18
24 PA.C.S. § 2908 (RELATING TO MISSING CHILDREN).

25 "SEX TRAFFICKING VICTIM." AS DEFINED UNDER SECTION 475 OF
26 THE SOCIAL SECURITY ACT (49 STAT. 620, 42 U.S.C. § 675).

27 § 5702. COUNTY RESPONSIBILITIES.

28 (A) REPORT OF POSSIBLE SEX TRAFFICKING VICTIMS.--A COUNTY
29 AGENCY SHALL REPORT TO LAW ENFORCEMENT AS SOON AS PRACTICABLE,
30 BUT IN NO CASE LATER THAN 24 HOURS AFTER RECEIVING INFORMATION

1 ABOUT A CHILD WHO:

2 (1) THE COUNTY AGENCY HAS REASONABLE CAUSE TO SUSPECT OF
3 BEING AT RISK OF BEING A SEX TRAFFICKING VICTIM; OR

4 (2) THE COUNTY AGENCY IDENTIFIES AS BEING A SEX
5 TRAFFICKING VICTIM.

6 (B) CHILD MISSING FROM RESIDENCE OR ABDUCTED.--A COUNTY
7 AGENCY SHALL REPORT TO LAW ENFORCEMENT AND TO THE NATIONAL
8 CENTER FOR MISSING AND EXPLOITED CHILDREN AS SOON AS PRACTICABLE
9 BUT NO LATER THAN 24 HOURS AFTER RECEIVING INFORMATION ABOUT A
10 CHILD WHO IS MISSING FROM THE CHILD'S RESIDENCE OR IS ABDUCTED.

11 (C) REPORT TO DEPARTMENT.--THE COUNTY AGENCY SHALL REPORT
12 ANNUALLY TO THE DEPARTMENT THE TOTAL NUMBER OF CHILDREN WHO ARE
13 SEX TRAFFICKING VICTIMS. THE REPORT SHALL BE SUBMITTED IN THE
14 FORM AND BY THE DEADLINE PRESCRIBED BY THE DEPARTMENT.

15 § 5703. LAW ENFORCEMENT RESPONSIBILITIES.

16 WHEN LAW ENFORCEMENT RECEIVES INFORMATION FROM A COUNTY
17 AGENCY ABOUT A CHILD WHO IS MISSING FROM THE CHILD'S RESIDENCE
18 OR IS ABDUCTED UNDER SECTION 5702(B) (RELATING TO COUNTY
19 RESPONSIBILITIES), LAW ENFORCEMENT SHALL ENTER THE INFORMATION
20 INTO THE NATIONAL CRIME INFORMATION CENTER DATABASE.

21 SECTION 2. SECTION 7101 OF TITLE 23 IS AMENDED TO READ:

22 § 7101. Short title of part [and definitions].

23 [(a) Short title of part.--]This part shall be known and may
24 be cited as the Uniform Interstate Family Support Act.

25 [(b) Definitions.--Subject to additional definitions
26 contained in subsequent provisions of this part which are
27 applicable to specific provisions of this part, the following
28 words and phrases when used in this part shall have the meanings
29 given to them in this section unless the context clearly
30 indicates otherwise:

1 "Child." An individual, whether over or under the age of
2 majority, who is or is alleged to be owed a duty of support by
3 the individual's parent or who is or is alleged to be the
4 beneficiary of a support order directed to the parent.

5 "Child support order." A support order for a child,
6 including a child who has attained the age of majority under the
7 law of the issuing state.

8 "Department." The Department of Human Services of the
9 Commonwealth.

10 "Duty of support." An obligation imposed or imposable by law
11 to provide support for a child, spouse or former spouse. The
12 term includes an unsatisfied obligation to provide support.

13 "Home state." The state in which a child lived with a parent
14 or a person acting as parent for at least six consecutive months
15 immediately preceding the time of filing of a petition or
16 comparable pleading for support and, if a child is less than six
17 months old, the state in which the child lived from birth with
18 any of them. A period of temporary absence of any of them is
19 counted as part of the six-month or other period.

20 "Income." The term includes earnings or other periodic
21 entitlements to money from any source and any other property
22 subject to withholding for support under the law of this State.

23 "Income-withholding order." An order or other legal process
24 directed to an obligor's employer or other debtor, in accordance
25 with section 4348 (relating to attachment of income), to
26 withhold support from the income of the obligor.

27 "Initiating state." A state from which a proceeding is
28 forwarded or in which a proceeding is filed for forwarding to a
29 responding state under this part or a law or procedure
30 substantially similar to this part, the Uniform Reciprocal

1 Enforcement of Support Act or the Revised Uniform Reciprocal
2 Enforcement of Support Act.

3 "Initiating tribunal." The authorized tribunal in an
4 initiating state.

5 "Issuing state." The state in which a tribunal issues a
6 support order or renders a judgment determining parentage.

7 "Issuing tribunal." The tribunal that issues a support order
8 or renders a judgment determining parentage.

9 "Law." The term includes decisional and statutory law and
10 rules and regulations having the force of law.

11 "Obligee." Any of the following:

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

15 (2) A state or political subdivision to which the rights
16 under a duty of support or support order have been assigned
17 or which has independent claims based on financial assistance
18 provided to an individual obligee.

19 (3) An individual seeking a judgment determining
20 parentage of the individual's child.

21 (4) The Department of Human Services.

22 "Obligor." An individual, or the estate of a decedent:

23 (1) that owes or is alleged to owe a duty of support;

24 (2) that is alleged but has not been adjudicated to be a
25 parent of a child; or

26 (3) that is liable under a support order.

27 "Register." To record a support order or judgment
28 determining parentage in the office designated by a court of
29 common pleas.

30 "Registering tribunal." A tribunal in which a support order

1 is registered.

2 "Responding state." A state in which a proceeding is filed
3 or to which a proceeding is forwarded for filing from an
4 initiating state under this part or a law or procedure
5 substantially similar to this part, the Uniform Reciprocal
6 Enforcement of Support Act or the Revised Uniform Reciprocal
7 Enforcement of Support Act.

8 "Responding tribunal." The authorized tribunal in a
9 responding state.

10 "Secretary." The Secretary of Public Welfare of the
11 Commonwealth.

12 "Spousal support order." A support order for a spouse or
13 former spouse of the obligor.

14 "State." A state of the United States, the District of
15 Columbia, Puerto Rico, the United States Virgin Islands or any
16 territory or insular possession subject to the jurisdiction of
17 the United States. The term includes an Indian tribe and a
18 foreign jurisdiction that has enacted a law or established
19 procedures for issuance and enforcement of support orders which
20 are substantially similar to the procedures under this part or
21 Part VIII-A (relating to intrastate family support).

22 "Support enforcement agency." A public official or agency
23 authorized to seek:

24 (1) enforcement of support orders or laws relating to
25 the duty of support;

26 (2) establishment or modification of child support;

27 (3) determination of parentage; or

28 (4) location of obligors or their assets.

29 "Support order." A judgment, decree or order, whether
30 temporary, final or subject to modification, for the benefit of

1 a child, a spouse or a former spouse, which provides for
2 monetary support, health care, arrearages or reimbursement. The
3 term includes related costs and fees, interest, income
4 withholding, attorney fees and other relief.

5 "Tribunal." A court, administrative agency or quasi-judicial
6 entity authorized to establish, enforce or modify support orders
7 or to determine parentage.

8 "Tribunal of this State." A court of common pleas.]

9 Section ~~2~~ 3. Title 23 is amended by adding a section to <--
10 read:

11 § 7101.1. Definitions.

12 Subject to additional definitions contained in subsequent
13 provisions of this part which are applicable to specific
14 provisions of this part, the following words and phrases when
15 used in this part shall have the meanings given to them in this
16 section unless the context clearly indicates otherwise:

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

21 "Child support order." A support order for a child,
22 including a child who has attained the age of majority under the
23 law of the issuing state or foreign country.

24 "Convention." The Convention on the International Recovery
25 of Child Support and Other Forms of Family Maintenance,
26 concluded at the Hague on November 23, 2007.

27 "Department." The Department of Human Services of the
28 Commonwealth.

29 "Duty of support." An obligation imposed or imposable by law
30 to provide support for a child, spouse or former spouse. The

1 term includes an unsatisfied obligation to provide support.

2 "Foreign country." A country, including a political
3 subdivision of a country other than the United States, which
4 authorized the issuance of support orders and:

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

7 (2) has established a reciprocal arrangement for child
8 support with this State as provided in section 7308 (relating
9 to supervisory duty);

10 (3) has enacted a law or established procedures for the
11 issuance and enforcement of support orders which are
12 substantially similar to the procedures under this part; or

13 (4) in which the convention is in force with respect to
14 the United States.

15 "Foreign support order." A support order of a foreign
16 tribunal.

17 "Foreign tribunal." A court, administrative agency or quasi-
18 judicial entity of a foreign country which is authorized to
19 establish, enforce or modify support orders or to determine
20 parentage of a child. The term includes a competent authority
21 under the convention.

22 "Home state." The state or foreign country in which a child
23 lived with a parent or a person acting as parent for at least
24 six consecutive months immediately preceding the time of filing
25 of a petition or comparable pleading for support and, if a child
26 is less than six months old, the state or foreign country in
27 which the child lived from birth with the parent or such person.
28 A period of temporary absence of the parent or such person is
29 counted as part of the six-month or other period.

30 "Income." The term includes earnings or other periodic

1 entitlements to money from any source and any other property
2 subject to withholding for support under the law of this State.

3 "Income-withholding order." An order or other legal process
4 directed to an obligor's employer or other debtor, in accordance
5 with section 4348 (relating to attachment of income), to
6 withhold support from the income of the obligor.

7 "Initiating tribunal." The tribunal of a state or a foreign
8 country from which a petition or comparable pleading is
9 forwarded or in which a petition or comparable pleading is filed
10 for forwarding to another state or foreign country.

11 "Issuing foreign country." The foreign country in which a
12 tribunal issues a support order or a judgment determining
13 parentage of a child.

14 "Issuing state." The state in which a tribunal issues a
15 support order or a judgment determining parentage of a child.

16 "Issuing tribunal." The tribunal of a state or a foreign
17 country that issues a support order or a judgment determining
18 parentage of a child.

19 "Law." The term includes decisional and statutory law and
20 rules and regulations having the force of law.

21 "Obligee." Any of the following:

22 (1) An individual to whom a duty of support is or is
23 alleged to be owed or in whose favor a support order or a
24 judgment determining parentage of a child has been issued.

25 (2) A foreign country, state or political subdivision to
26 which the rights under a duty of support or support order
27 have been assigned or which has independent claims based on
28 financial assistance provided to an individual obligee in
29 place of child support.

30 (3) An individual seeking a judgment determining

1 parentage of the individual's child.

2 (4) The Department of Human Services.

3 (5) A person who is a creditor in a proceeding under
4 Chapter 77A (relating to support proceeding under
5 convention).

6 "Obligor." An individual or the estate of a decedent that:

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

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

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

11 (4) is a debtor in a proceeding under Chapter 77A
12 (relating to support proceeding under convention).

13 "Outside this State." A location in another state or a
14 country other than the United States, whether or not the country
15 is a foreign country.

16 "Person." An individual, corporation, business trust,
17 estate, trust, partnership, limited liability company,
18 association, joint venture, public corporation, government or
19 governmental subdivision or agency or instrumentality or any
20 other legal or commercial entity.

21 "Record." Information that is inscribed on a tangible medium
22 or that is stored in an electronic or other medium and is
23 retrievable in perceivable form.

24 "Register." To record in a tribunal of this State a support
25 order or judgment determining parentage of a child issued in
26 another state or foreign country.

27 "Registering tribunal." A tribunal in which a support order
28 or judgment determining parentage of a child is registered.

29 "Responding state." A state in which a petition or
30 comparable pleading for support or to determine parentage of a

1 child is filed or to which a petition or comparable pleading is
2 forwarded for filing from another state or foreign country.

3 "Responding tribunal." The authorized tribunal in a
4 responding state or foreign country.

5 "Secretary." The Secretary of Human Services of the
6 Commonwealth.

7 "Spousal support order." A support order for a spouse or
8 former spouse of the obligor.

9 "State." A state of the United States, the District of
10 Columbia, Puerto Rico, the United States Virgin Islands or any
11 territory or insular possession under the jurisdiction of the
12 United States. The term includes an Indian nation tribe.

13 "Support enforcement agency." A public official,
14 governmental entity or private agency authorized to:

15 (1) seek enforcement of support orders or laws relating
16 to the duty of support;

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

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

19 (4) attempt to locate obligors or assets of an obligor;

20 or

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

23 "Support order." A judgment, decree, order, decision or
24 directive, whether temporary, final or subject to modification,
25 issued in a state or a foreign country for the benefit of a
26 child, spouse or former spouse, which provides for monetary
27 support, health care, arrearages, retroactive support or
28 reimbursement for financial assistance provided to an individual
29 obligee in place of child support. The term may include related
30 costs and fees, interest, income withholding, automatic

1 adjustment, reasonable attorney fees and other relief.

2 "Tribunal." A court, administrative agency or quasi-judicial
3 entity authorized to establish, enforce or modify support orders
4 or to determine parentage.

5 "Tribunal of this State." A court of common pleas.

6 Section 3 4. Section 7102 of Title 23 is repealed: <--
7 [§ 7102. Remedies cumulative.

8 Remedies provided by this part are cumulative and do not
9 affect the availability of remedies under other law.]

10 Section 4 5. Title 23 is amended by adding sections to read: <--

11 § 7103. State tribunal and support enforcement agency.

12 (a) Tribunals.--The courts of common pleas are the tribunals
13 of this State.

14 (b) Support enforcement agency.--The department's Bureau of
15 Child Support Enforcement is the support enforcement agency of
16 this State.

17 § 7104. Cumulative remedies.

18 (a) Remedies.--Remedies provided by this part are cumulative
19 and do not affect the availability of remedies under other law
20 or the recognition of a foreign support order on the basis of
21 comity.

22 (b) Limitations.--This part does not:

23 (1) provide the exclusive method of establishing or
24 enforcing a support order under the law of this State; or

25 (2) grant a tribunal of this State jurisdiction to
26 render judgment or issue an order relating to child custody
27 or visitation in a proceeding under this part.

28 Section 7105. Application of part to resident of foreign
29 country and foreign support proceeding.

30 (a) Applicability.--A tribunal of this State shall apply

1 Chapter 71 (relating to general provisions), 72 (relating to
2 jurisdiction), 73 (relating to civil provisions of general
3 application), 74 (relating to establishment of support order or
4 determination of parentage), 75 (relating to enforcement of
5 support order without registration) or 76 (relating to
6 registration, enforcement and modification of support order)
7 and, as applicable, Chapter 77A (relating to support proceeding
8 under convention), to a support proceeding involving any of the
9 following:

10 (1) A foreign support order.

11 (2) A foreign tribunal.

12 (3) An obligee, obligor or child residing in a foreign
13 country.

14 (b) Discretionary.--A tribunal of this State that is
15 requested to recognize and enforce a support order on the basis
16 of comity may apply the procedural and substantive provisions of
17 Chapter 71, 72, 73, 74, 75 or 76.

18 (c) Limitations.--Chapter 77A (relating to support
19 proceeding under convention) applies only to a support
20 proceeding under the convention. In a proceeding, if a provision
21 of Chapter 77A is inconsistent with Chapter 71, 72, 73, 74, 75
22 or 76, Chapter 77A shall control.

23 Section 5 6. Section 7201 of Title 23 is amended to read: <--

24 § 7201. Bases for jurisdiction over nonresident.

25 (a) Jurisdiction.--In a proceeding to establish[, enforce or
26 modify] or enforce a support order or to determine parentage of
27 a child, a tribunal of this State may exercise personal
28 jurisdiction over a nonresident individual or the individual's
29 guardian or conservator if any of the following apply:

30 (1) The individual is personally served with a writ of

1 summons, complaint or other appropriate pleading within this
2 State.

3 (2) The individual submits to the jurisdiction of this
4 State by consent in a record, by entering a general
5 appearance or by filing a responsive document having the
6 effect of waiving any contest to personal jurisdiction.

7 (3) The individual resided with the child in this State.

8 (4) The individual resided in this State and provided
9 prenatal expenses or support for the child.

10 (5) The child resides in this State as a result of the
11 acts or directives of the individual.

12 (6) The individual engaged in sexual intercourse in this
13 State and the child may have been conceived by that act of
14 intercourse.

15 (7) The individual acknowledged parentage of the child
16 on a form filed with the department under section 5103
17 (relating to acknowledgment and claim of paternity).

18 (8) There is any other basis consistent with the
19 constitutions of this State and the United States for the
20 exercise of personal jurisdiction.

21 (b) Modification.--The bases of personal jurisdiction set
22 forth in subsection (a) or in any other law of this State may
23 not be used to acquire personal jurisdiction for a tribunal of
24 this State to modify a child support order of another state
25 unless the requirements of section 7611 (relating to
26 modification of child support order of another state) are met
27 or, in the case of a foreign support order, unless the
28 requirements of section 7615 (relating to jurisdiction to modify
29 child support order of a foreign country) are met.

30 Section ~~6~~ 7. Section 7202 of Title 23 is repealed:

<--

1 [§ 7202. Procedure when exercising jurisdiction over
2 nonresident.

3 A tribunal of this State exercising personal jurisdiction
4 over a nonresident under section 7201 (relating to bases for
5 jurisdiction over nonresident) may apply section 7316 (relating
6 to special rules of evidence and procedure) to receive evidence
7 from another state and section 7318 (relating to assistance with
8 discovery) to obtain discovery through a tribunal of another
9 state. In all other respects, Chapters 73 (relating to civil
10 provisions of general application) through 77 (relating to
11 determination of parentage) do not apply, and the tribunal shall
12 apply the procedural and substantive law of this State,
13 including the rules on choice of law other than those
14 established by this part.]

15 Section 7 8. Title 23 is amended by adding a section to <--
16 read:

17 § 7202.1. Duration of personal jurisdiction.

18 Personal jurisdiction acquired by a tribunal of this State in
19 a proceeding under this part or other law of this State relating
20 to a support order continues as long as a tribunal of this State
21 has continuing exclusive jurisdiction to modify the tribunal's
22 order or continuing jurisdiction to enforce the tribunal's order
23 as provided by sections 7205 (relating to continuing, exclusive
24 jurisdiction to modify child support orders), 7206 (relating to
25 continuing jurisdiction to enforce child support orders) and
26 7211 (relating to continuing, exclusive jurisdiction to modify
27 spousal support order).

28 Section 8 9. Subchapter B heading of Chapter 72 of Title 23 <--
29 is amended to read:

30 SUBCHAPTER B

1 PROCEEDINGS INVOLVING TWO OR MORE STATES

2 OR A FOREIGN COUNTRY

3 Section 9 10. Sections 7203, 7204, 7205, 7206, 7207, 7208 <--
4 and 7209 of Title 23 are amended to read:

5 § 7203. Initiating and responding tribunal of this State.

6 Under this part, a tribunal of this State may serve as an
7 initiating tribunal to forward proceedings to a tribunal of
8 another state and as a responding tribunal for proceedings
9 initiated in another state or a foreign country.

10 § 7204. Simultaneous proceedings [in another state].

11 (a) Permissible.--A tribunal of this State may exercise
12 jurisdiction to establish a support order if the petition or
13 comparable pleading is filed after a petition or comparable
14 pleading is filed in another state or a foreign country only if
15 all of the following apply:

16 (1) The petition or comparable pleading in this State is
17 filed before the expiration of the time allowed in the other
18 state or a foreign country for filing a responsive pleading
19 challenging the exercise of jurisdiction by the other state
20 or a foreign country.

21 (2) The contesting party timely challenges the exercise
22 of jurisdiction in the other state or a foreign country.

23 (3) If relevant, this State is the home state of the
24 child.

25 (b) Impermissible.--A tribunal of this State may not
26 exercise jurisdiction to establish a support order if the
27 petition or comparable pleading is filed before a petition or
28 comparable pleading is filed in another state or a foreign
29 country if all of the following apply:

30 (1) The petition or comparable pleading in the other

1 state or foreign country is filed before the expiration of
2 the time allowed in this State for filing a responsive
3 pleading challenging the exercise of jurisdiction by this
4 State.

5 (2) The contesting party timely challenges the exercise
6 of jurisdiction in this State.

7 (3) If relevant, the other state or foreign country is
8 the home state of the child.

9 § 7205. Continuing, exclusive jurisdiction to modify child
10 support orders.

11 (a) Extent.--A tribunal of this State [issuing] that has
12 issued a child support order consistent with the law of this
13 State has and shall exercise continuing, exclusive jurisdiction
14 [over a] to modify the child support order if the order is the
15 controlling order and:

16 (1) [as long as] at the time of the filing of a request
17 for modification this State [remains] is the residence of the
18 obligor, the individual obligee or the child for whose
19 benefit the support order is issued; or

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

29 (b) Restriction.--A tribunal of this State [issuing] that
30 has issued a child support order consistent with the law of this

1 State may not exercise its continuing, exclusive jurisdiction to
2 modify the order if [the order has been modified by a tribunal
3 of another state pursuant to a law substantially similar to this
4 part]:

5 (1) all of the parties who are individuals file consent
6 in a record with the tribunal of this State that a tribunal
7 of another state, that has jurisdiction over at least one of
8 the parties who is an individual or that is located in the
9 state of residence of the child, may modify the order and
10 assume continuing, exclusive jurisdiction; or

11 (2) the order is not the controlling order.

12 [(c) Modification.--If a child support order of this State
13 is modified by a tribunal of another state pursuant to a law
14 substantially similar to this part, a tribunal of this State
15 loses its continuing, exclusive jurisdiction with regard to
16 prospective enforcement of the order issued in this State and
17 may only do the following:

18 (1) Enforce the order that was modified as to amounts
19 accruing before the modification.

20 (2) Enforce nonmodifiable aspects of that order.

21 (3) Provide other appropriate relief for violations of
22 that order which occurred before the effective date of the
23 modification.]

24 (d) Faith and credit.--[A tribunal of this State shall
25 recognize the continuing, exclusive jurisdiction of a tribunal
26 of another state which has issued a child support order pursuant
27 to a law substantially similar to this part.] If a tribunal of
28 another state has issued a child support order under a law
29 substantially similar to this part which modifies a child
30 support order of a tribunal of this State, tribunals of this

1 State shall recognize the continuing, exclusive jurisdiction of
2 the tribunal of the other state.

3 (d.1) Modification.--A tribunal of this State that lacks
4 continuing, exclusive jurisdiction to modify a child support
5 order may serve as an initiating tribunal to request a tribunal
6 of another state to modify a support order issued in that state.

7 (e) Interim orders.--A temporary support order issued ex
8 parte or pending resolution of a jurisdictional conflict does
9 not create continuing, exclusive jurisdiction in the issuing
10 tribunal.

11 [(f) Duration and modification of spousal support orders.--A
12 tribunal of this State issuing a support order consistent with
13 the law of this State has continuing, exclusive jurisdiction
14 over a spousal support order throughout the existence of the
15 support obligation. A tribunal of this State may not modify a
16 spousal support order issued by a tribunal of another state
17 having continuing, exclusive jurisdiction over that order under
18 the law of that state.]

19 § 7206. [Enforcement and modification of support order by
20 tribunal having continuing jurisdiction.] Continuing
21 jurisdiction to enforce child support orders.

22 (a) Initiating tribunal.--A tribunal of this State that has
23 issued a child support order consistent with the law of this
24 State may serve as an initiating tribunal to request a tribunal
25 of another state to enforce [or modify a support order issued in
26 that state.]:

27 (1) the order, if the order is the controlling order and
28 has not been modified by a tribunal of another state that
29 assumed jurisdiction under a law substantially similar to
30 this part; or

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

5 (b) Responding tribunal.--A tribunal of this State having
6 continuing[, exclusive] jurisdiction over a support order may
7 act as a responding tribunal to enforce [or modify] the order.
8 [If a party subject to the continuing, exclusive jurisdiction of
9 the tribunal no longer resides in the issuing state, in
10 subsequent proceedings, the tribunal may apply section 7316
11 (relating to special rules of evidence and procedure) to receive
12 evidence from another state and section 7318 (relating to
13 assistance with discovery) to obtain discovery through a
14 tribunal of another state.

15 (c) Lack of jurisdiction.--A tribunal of this State which
16 lacks continuing, exclusive jurisdiction over a spousal support
17 order may not serve as a responding tribunal to modify a spousal
18 support order of another state.]

19 § 7207. [Recognition] Determination of controlling child
20 support order.

21 (a) Single child support order.--If a proceeding is brought
22 under this part and only one tribunal has issued a child support
23 order, the order of that tribunal controls and must be so
24 recognized.

25 (a.1) Multiple orders.--If a proceeding is brought under
26 this part and two or more child support orders have been issued
27 by tribunals of this State [or], another state or a foreign
28 country with regard to the same obligor and same child, a
29 tribunal of this State having personal jurisdiction over both
30 the obligor and the individual obligee shall apply the following

1 rules [in determining which order to recognize for purposes of
2 continuing, exclusive jurisdiction] and by order shall determine
3 which order controls and must be recognized:

4 (1) If only one of the tribunals would have continuing,
5 exclusive jurisdiction under this part, the order of that
6 tribunal controls [and must be so recognized].

7 (2) If more than one of the tribunals would have
8 continuing, exclusive jurisdiction under this part, an order
9 issued by a tribunal in the current home state of the child
10 controls and must be so recognized, but, if an order has not
11 been issued in the current home state of the child, the order
12 most recently issued controls and must be so recognized.

13 (3) If none of the tribunals would have continuing,
14 exclusive jurisdiction under this part, the tribunal of this
15 State [having jurisdiction over the parties] shall issue a
16 child support order, which controls [and must be so
17 recognized].

18 (a.2) Request to determine controlling order.--If two or
19 more child support orders have been issued for the same obligor
20 and the same child [and if the obligor or the individual obligee
21 resides in this State], upon request of a party who is an
22 individual or which is a support enforcement agency [may
23 request] a tribunal of this State [to] having personal
24 jurisdiction over both the obligor and the obligee who is an
25 individual shall determine which order controls [and must be so
26 recognized] under subsection (a.1). The request may be filed
27 with a registration for enforcement or registration for
28 modification under Chapter 76 (relating to registration,
29 enforcement and modification of support order) or may be filed
30 as a separate proceeding. The request to determine which is the

1 controlling order must be accompanied by a [certified] copy of
2 every child support order in effect and the applicable record of
3 payments. The requesting party shall give notice of the request
4 to each party whose rights may be affected by the determination.

5 (b) Exclusive jurisdiction.--The tribunal that issued the
6 controlling order under subsection (a), (a.1) or (a.2) is the
7 tribunal that has continuing[, exclusive] jurisdiction under
8 section 7205 (relating to continuing, exclusive jurisdiction to
9 modify a child support order) or 7206 (relating to continuing
10 jurisdiction to enforce child support orders).

11 (c) Basis of order.--A tribunal of this State which
12 determines by order the identity of the controlling order under
13 subsection (a.1)(1) or (2) or (a.2) or which issues a new
14 controlling order under subsection (a.1)(3) shall state all the
15 following in that order [the]:

16 (1) The basis upon which the tribunal made its
17 determination.

18 (2) The amount of prospective support, if any.

19 (3) The total amount of consolidated arrears and accrued
20 interest, if any, under all of the orders after all payments
21 made are credited under section 7209 (relating to credit for
22 payments).

23 (d) Filing of copy of order.--Within 30 days after issuance
24 of an order determining the identity of the controlling order,
25 the party obtaining the determining order shall file a certified
26 copy of it with each tribunal that issued or registered an
27 earlier order of child support. A party [who] or support
28 enforcement agency that obtains a determining order and fails to
29 file a certified copy is subject to appropriate sanctions by a
30 tribunal in which the issue of failure to file arises. Failure

1 to file a copy of the determining order does not affect the
2 validity or enforceability of the controlling order.

3 (e) Recognition.--An order which has been determined to be
4 the controlling order or a judgment for consolidated arrears of
5 support and interest, if any, made under this section must be
6 recognized in proceedings under this part.

7 § 7208. Multiple child support orders for two or more obligees.

8 In responding to [multiple] registrations or petitions for
9 enforcement of two or more child support orders in effect at the
10 same time with regard to the same obligor and different
11 individual obligees at least one of which was issued by a
12 tribunal of another state or a foreign country, a tribunal of
13 this State shall enforce those orders in the same manner as if
14 the multiple orders had been issued by a tribunal of this State.

15 § 7209. Credit for payments.

16 Amounts collected and credited for a particular period
17 pursuant to a child support order issued by a tribunal of
18 another state or a foreign country must be credited against the
19 amounts accruing or accrued for the same period under a child
20 support order for the same child issued by the tribunal of this
21 State.

22 Section ~~10~~ 11. Title 23 is amended by adding sections to <--
23 read:

24 § 7210. Application of part to nonresident subject to personal
25 jurisdiction.

26 A tribunal of this State exercising personal jurisdiction
27 over a nonresident in a proceeding under this part, under other
28 law of this State relating to a support order or recognizing a
29 foreign support order may receive evidence from outside this
30 State under section 7316 (relating to special rules of evidence

1 and procedure), communicate with a tribunal outside this State
2 pursuant to section 7317 (relating to communications between
3 tribunals) and obtain discovery through a tribunal outside this
4 State under section 7318 (relating to assistance with
5 discovery). In all other respects, Chapter 71 (relating to
6 general provisions), 72 (relating to jurisdiction), 73 (relating
7 to civil provisions of general application), 74 (relating to
8 establishment of support order or determination of parentage),
9 75 (relating to enforcement of support order without
10 registration) or 76 (relating to registration, enforcement and
11 modification of support order) do not apply, and the tribunal
12 shall apply the procedural and substantive law of this State.
13 § 7211. Continuing, exclusive jurisdiction to modify spousal
14 support order.

15 (a) Modification.--A tribunal of this State issuing a
16 spousal support order consistent with the law of this State has
17 continuing, exclusive jurisdiction to modify the spousal support
18 order throughout the existence of the support obligation.

19 (b) Prohibition.--A tribunal of this State may not modify a
20 spousal support order issued by a tribunal of another state or a
21 foreign country having continuing, exclusive jurisdiction over
22 that order under the law of that state or foreign country.

23 (c) Tribunal.--A tribunal of this State that has continuing,
24 exclusive jurisdiction over a spousal support order may serve
25 as:

26 (1) an initiating tribunal to request a tribunal of
27 another state to enforce the spousal support order issued in
28 this State; or

29 (2) a responding tribunal to enforce or modify the
30 spousal support order issued by the tribunal.

1 Section ~~11~~ 12. Sections 7301, 7304(b), 7305, 7307, 7308,
2 7310, 7311, 7312, 7313, 7316, 7317, 7318 and 7319 of Title 23
3 are amended to read:

4 § 7301. Proceedings under this part.

5 (a) Scope.--Except as otherwise provided in this part, this
6 Chapter applies to all proceedings under this part.

7 [(b) Proceedings.--This part provides for the following
8 proceedings:

9 (1) Establishment of an order for spousal support or
10 child support pursuant to Chapter 74 (relating to
11 establishment of support order).

12 (2) Enforcement of a support order and income-
13 withholding order of another state without registration
14 pursuant to Chapter 75 (relating to direct enforcement of
15 order of another state without registration).

16 (3) Registration of an order for spousal support or
17 child support of another state for enforcement pursuant to
18 Chapter 76 (relating to enforcement and modification of
19 support order after registration).

20 (4) Modification of an order for child support or
21 spousal support issued by a tribunal of this State pursuant
22 to Subchapter B of Chapter 72 (relating to proceedings
23 involving two or more states).

24 (5) Registration of an order for child support of
25 another state for modification pursuant to Chapter 76.

26 (6) Determination of parentage pursuant to Chapter 77
27 (relating to determination of parentage).

28 (7) Assertion of jurisdiction over nonresidents pursuant
29 to Subchapter A of Chapter 72 (relating to extended personal
30 jurisdiction).]

1 (c) Commencement.--An individual petitioner or a support
2 enforcement agency may commence a proceeding authorized under
3 this part by filing a petition in an initiating tribunal for
4 forwarding to a responding tribunal or by filing a petition or a
5 comparable pleading directly in a tribunal of another state or
6 foreign country which has or can obtain personal jurisdiction
7 over the respondent.

8 § 7304. Duties of initiating tribunal.

9 * * *

10 (b) Special circumstances.--

11 (1) If [a responding state has not enacted this part or
12 a law or procedure substantially similar to this part]
13 requested by the responding tribunal, a tribunal of this
14 State [may] shall issue a certificate or other document and
15 make findings required by the law of the responding state.

16 (2) If the responding [state is a foreign jurisdiction]
17 tribunal is in a foreign country, upon request, the tribunal
18 [may] of this State shall specify the amount of support
19 sought, convert that amount into the equivalent amount in the
20 foreign currency under applicable official or market exchange
21 rates as publicly reported and provide other documents
22 necessary to satisfy the requirements of the responding
23 [state] foreign tribunal.

24 § 7305. Duties and powers of responding tribunal.

25 (a) Filing and notice.--If a responding tribunal of this
26 State receives a petition or comparable pleading from an
27 initiating tribunal or directly pursuant to section 7301(c)
28 (relating to proceedings under this part), it shall cause the
29 petition or pleading to be filed and notify the petitioner where
30 and when it was filed.

1 (b) Action.--A responding tribunal of this State, to the
2 extent otherwise [authorized] not prohibited by law, may do any
3 of the following:

4 (1) [Issue] Establish or enforce a support order, modify
5 a child support order, determine the controlling child
6 support order or [render a judgment to] determine parentage
7 of a child.

8 (2) Order an obligor to comply with a support order,
9 specifying the amount and the manner of compliance.

10 (3) Order income withholding.

11 (4) Determine the amount of any arrearages and specify a
12 method of payment.

13 (5) Enforce orders by civil or criminal contempt, or
14 both.

15 (6) Set aside property for satisfaction of the support
16 order.

17 (7) Place liens and order execution on the obligor's
18 property.

19 (8) Order an obligor to keep the tribunal informed of
20 the obligor's current residential address, e-mail address,
21 telephone number, employer, address of employment and
22 telephone number at the place of employment.

23 (9) Issue a bench warrant for an obligor who has failed
24 after proper notice to appear at a hearing ordered by the
25 tribunal and enter the bench warrant in any state and local
26 computer systems for criminal warrants.

27 (10) Order the obligor to seek appropriate employment by
28 specified methods.

29 (11) Award reasonable attorney fees and other fees and
30 costs.

1 (12) Grant any other available remedy.

2 (c) Calculations.--A responding tribunal of this State shall
3 include in a support order issued under this part or in the
4 documents accompanying the order the calculations on which the
5 support order is based.

6 (d) Visitation.--A responding tribunal of this State may not
7 condition the payment of a support order issued under this part
8 upon compliance by a party with provisions for visitation.

9 (e) Notice.--If a responding tribunal of this State issues
10 an order under this part, the tribunal shall send a copy of the
11 order to the petitioner and the respondent and to the initiating
12 agency or tribunal, if any.

13 (f) Foreign currency.--If requested to enforce a support
14 order, arrears or judgment or modify a support order stated in a
15 foreign currency, a responding tribunal of this State shall
16 convert the amount stated in the foreign currency to the
17 equivalent amount in dollars under the applicable official or
18 market exchange rate as publicly reported.

19 § 7307. Duties of support enforcement agency.

20 (a) General duty.--[A support enforcement agency of this
21 State upon request shall provide services to a petitioner in a
22 proceeding under this part.] In a proceeding under this part, a
23 support enforcement agency of this State, upon request:

24 (1) Shall provide services to a petitioner residing in a
25 state.

26 (2) Shall provide services to a petitioner requesting
27 services through a central authority of a foreign country as
28 defined in paragraph (1) or (4) of the definition of "foreign
29 country" in section 7101.1 (relating to definitions).

30 (3) May provide services to a petitioner who is an

1 individual not residing in a state.

2 (b) Specific duties.--A support enforcement agency that is
3 providing services to the petitioner [as appropriate] shall do
4 all of the following:

5 (1) Take all steps necessary to enable an appropriate
6 tribunal [in] of this State [or], another state or a foreign
7 country to obtain jurisdiction over the respondent.

8 (2) Request an appropriate tribunal to set a date, time
9 and place for a hearing.

10 (3) Make a reasonable effort to obtain relevant
11 information, including information as to income and property
12 of the parties.

13 (4) Within two days, exclusive of Saturdays, Sundays and
14 legal holidays, after receipt of a [written] notice in a
15 record from an initiating, responding or registering
16 tribunal, send a copy of the notice to the petitioner.

17 (5) Within two days, exclusive of Saturdays, Sundays and
18 legal holidays, after receipt of a [written] communication in
19 a record from the respondent or the respondent's attorney,
20 send a copy of the communication to the petitioner.

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

23 (b.1) Registration.--A support enforcement agency of this
24 State that requests registration of a child support order in
25 this State for enforcement or for modification shall make
26 reasonable efforts to do one of the following:

27 (1) Ensure that the order to be registered is the
28 controlling order.

29 (2) If two or more child support orders exist and the
30 identity of the controlling order has not been determined,

1 ensure that a request for a determination is made in a
2 tribunal having jurisdiction.

3 (b.2) Conversion.--A support enforcement agency of this
4 State that requests registration and enforcement of a support
5 order, arrears or judgment stated in a foreign currency shall
6 convert the amounts stated in the foreign currency into the
7 equivalent amounts in dollars under the applicable official or
8 market exchange rate as publicly reported.

9 (b.3) Payment.--A support enforcement agency of this State
10 shall request a tribunal of this State to issue a child support
11 order and an income withholding order that redirect payment of
12 current support, arrears and interest, if requested to do so by
13 a support enforcement agency of another state under section 7319
14 (relating to receipt and disbursement of payments).

15 (c) Fiduciaries.--This part does not create or negate a
16 relationship of attorney and client or other fiduciary
17 relationship between a support enforcement agency or the
18 attorney for the agency and the individual being assisted by the
19 agency.

20 § 7308. Supervisory duty.

21 (a) Secretary.--If the secretary determines that a support
22 enforcement agency is neglecting or refusing to provide services
23 to an individual, the secretary may order the agency to perform
24 its duties under this part or may provide those services
25 directly to the individual.

26 (b) Reciprocity.--The secretary may determine that a foreign
27 country has established a reciprocal arrangement for child
28 support with this State and take appropriate action for
29 notification of the determination.

30 § 7310. Duties of department.

1 (a) Designation.--The department is the State information
2 agency under this part.

3 (b) Duties.--The department shall do all of the following:

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

9 (2) Maintain a register of tribunals and support
10 enforcement agencies received from other states.

11 (3) Forward to the appropriate tribunal in the place in
12 this State in which the individual obligee or the obligor
13 resides, or in which the obligor's property is believed to be
14 located, documents concerning a proceeding under this part
15 received from [an initiating tribunal or the state
16 information agency of the initiating state] another state or
17 foreign country.

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

28 [(5) Transmit to another state, electronically or by
29 another method, a request for assistance in a case involving
30 enforcement of a support order containing sufficient

1 information to enable the state to which the request is
2 transmitted to compare the transmitted information to the
3 information of that state. The transmittal shall constitute a
4 certification of arrears and that the state has complied with
5 all procedural due process requirements applicable to the
6 case.

7 (6) A response to a request for assistance received from
8 another state under this part must be completed by the
9 responding Commonwealth tribunal. The response, which may be
10 transmitted electronically or by other methods, shall confirm
11 the receipt of the request, action taken, amount of support
12 collected and any additional information or action required
13 by the requesting tribunal to obtain enforcement of the child
14 support obligation.]

15 § 7311. Pleadings and accompanying documents.

16 (a) Verification and content.--[A] In a proceeding under
17 this part, a petitioner seeking to establish [or modify] a
18 support order [or], to determine parentage [in a proceeding
19 under this part must verify the] of a child or to register and
20 modify a support order of a tribunal of another state or foreign
21 country must file a petition. Unless otherwise ordered under
22 section 7312 (relating to nondisclosure of information in
23 exceptional circumstances), the petition or accompanying
24 documents must provide, so far as known, the name, residential
25 address and Social Security number of the obligor and the
26 obligee or the parent and alleged parent and the name, sex,
27 residential address, Social Security number and date of birth of
28 each child for [whom] whose benefit support is sought or whose
29 parentage is to be determined. [The] Unless filed at the time of
30 registration, the petition must be accompanied by a [certified]

1 copy of any support order [in effect] known to have been issued
2 by another tribunal. The petition may include any other
3 information that may assist in locating or identifying the
4 respondent.

5 (b) Relief.--The petition must specify the relief sought.
6 The petition and accompanying documents must conform
7 substantially with the requirements imposed by the forms
8 mandated by Federal law for use in cases filed by a support
9 enforcement agency.

10 § 7312. Nondisclosure of information in exceptional
11 circumstances.

12 [Upon a finding, which may be made ex parte, that the health,
13 safety or liberty of a party or child would be unreasonably put
14 at risk by the disclosure of identifying information or if an
15 existing order so provides, a tribunal shall order that the
16 address of the child or party or other identifying information
17 not be disclosed in a pleading or other document filed in a
18 proceeding under this part.] If a party alleges in an affidavit
19 or a pleading under oath that the health, safety or liberty of a
20 party or child would be jeopardized by disclosure of the
21 specific identifying information, the specific identifying
22 information must be sealed and may not be disclosed to the other
23 party or the public. After a hearing in which the tribunal takes
24 into consideration the health, safety or liberty of the party or
25 child, the tribunal may order disclosure of information that the
26 tribunal determines to be in the interest of justice.

27 § 7313. Costs and fees.

28 (a) Petitioner.--The petitioner may not be required to pay a
29 filing fee or other costs.

30 (b) Obligor.--If an obligee prevails, a responding tribunal

1 of this State may assess against an obligor filing fees,
2 reasonable attorney fees, other costs and necessary travel and
3 other reasonable expenses incurred by the obligee and the
4 obligee's witnesses. The tribunal may not assess fees, costs or
5 expenses against the obligee or the support enforcement agency
6 of either the initiating state or the responding state or
7 foreign country except as provided by other law. Attorney fees
8 may be taxed as costs and may be ordered paid directly to the
9 attorney, who may enforce the order in the attorney's own name.
10 Payment of support owed to the obligee has priority over fees,
11 costs and expenses.

12 (c) Dilatory actions.--The tribunal shall order the payment
13 of costs and reasonable attorney fees if it determines that a
14 hearing was requested primarily for delay. In a proceeding under
15 Chapter 76 (relating to enforcement and modification of support
16 order after registration), a hearing is presumed to have been
17 requested primarily for delay if a registered support order is
18 confirmed or enforced without change.

19 § 7316. Special rules of evidence and procedure.

20 (a) Physical presence.--The physical presence of [the
21 petitioner in a responding] a nonresident party who is an
22 individual in a tribunal of this State is not required for the
23 establishment, enforcement or modification of a support order or
24 the rendition of a judgment determining parentage of a child.

25 (b) Hearsay exception.--A [verified] petition, affidavit or
26 document, substantially complying with federally mandated forms,
27 and a document incorporated by reference in any of them, not
28 excluded under the hearsay rule if given in person, [is] are
29 admissible in evidence if given under [oath] penalty of perjury
30 by a party or witness residing [in another state] outside this

1 State.

2 (c) Payment record.--A copy of the record of child support
3 payments certified as a true copy of the original by the
4 custodian of the record may be forwarded to a responding
5 tribunal. The copy is evidence of facts asserted in it and is
6 admissible to show whether payments were made.

7 (d) Bills.--Copies of bills for testing for parentage of a
8 child and for prenatal and postnatal health care of the mother
9 and child, furnished to the adverse party at least ten days
10 before trial, are admissible in evidence to prove the amount of
11 the charges billed and that the charges were reasonable,
12 necessary and customary.

13 (e) Transmission of documentary evidence.--Documentary
14 evidence transmitted from [another state] outside this State to
15 a tribunal of this State by telephone, telecopier or other
16 electronic means that do not provide an original [writing]
17 record may not be excluded from evidence on an objection based
18 on the means of transmission.

19 (f) Testimony.--In a proceeding under this part, a tribunal
20 of this State may permit a party or witness residing [in another
21 state] outside this State to be deposed or to testify under
22 penalty of perjury by telephone, audiovisual means or other
23 electronic means at a designated tribunal or other location [in
24 that state]. A tribunal of this State shall cooperate with [a
25 tribunal of another state] other tribunals in designating an
26 appropriate location for the deposition or testimony.

27 (g) Self-incrimination.--If a party called to testify at a
28 civil hearing refuses to answer on the ground that the testimony
29 may be self-incriminating, the trier of fact may draw an adverse
30 inference from the refusal.

1 (h) Spousal communications.--A privilege against disclosure
2 of communications between spouses does not apply in a proceeding
3 under this part.

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

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

10 § 7317. Communications between tribunals.

11 A tribunal of this State may communicate with a tribunal [of
12 another state] outside this State in [writing] a record or by
13 telephone, e-mail or other means to obtain information
14 concerning the laws [of that state]; the legal effect of a
15 judgment, decree or order of that tribunal; and the status of a
16 proceeding [in the other state]. A tribunal of this State may
17 furnish similar information by similar means to a tribunal [of
18 another state] outside this State.

19 § 7318. Assistance with discovery.

20 A tribunal of this State may do all of the following:

21 (1) Request a tribunal [of another state] outside this
22 State to assist in obtaining discovery.

23 (2) Upon request, compel a person [over whom it has]
24 subject to its jurisdiction to respond to a discovery order
25 issued by a tribunal [of another state] outside this State.

26 § 7319. Receipt and disbursement of payments.

27 (a) Payments.--A support enforcement agency or tribunal of
28 this State shall disburse promptly any amounts received pursuant
29 to a support order, as directed by the order. The agency or
30 tribunal shall furnish to a requesting party or tribunal [of

1 another state] outside this State or foreign country a certified
2 statement by the custodian of the record of the amounts and
3 dates of all payments received.

4 (b) Residency.--If the obligor, the obligee who is an
5 individual and the child do not reside in this State, upon
6 request from the support enforcement agency of this State or
7 another state, the support enforcement agency of this State or a
8 tribunal of this State shall do all the following:

9 (1) Direct that the support payment be made to the
10 support enforcement agency in the state in which the obligee
11 is receiving services.

12 (2) Issue and send to the obligor's employer a
13 conforming income-withholding order or an administrative
14 notice of change of payee, reflecting the redirected
15 payments.

16 (c) Certificated records.--The support enforcement agency of
17 this State receiving redirected payments from another state
18 under a law similar to subsection (b) shall furnish to a
19 requesting party or tribunal of the other state a certified
20 statement by the custodian of the record of the amount and dates
21 of all payments received.

22 Section ~~12~~ 13. The heading of Chapter 74 of Title 23 is <--
23 amended to read:

24 CHAPTER 74

25 ESTABLISHMENT OF SUPPORT ORDER

26 OR DETERMINATION OF PARENTAGE

27 Section ~~13~~ 14. Section 7401 of Title 23 is amended to read: <--

28 § 7401. [Petition to establish] Establishment of support order.

29 (a) Jurisdiction.--If a support order entitled to
30 recognition under this part has not been issued, a responding

1 tribunal of this State with personal jurisdiction over the
2 parties may issue a support order if any of the following apply:

3 (1) The individual seeking the order resides [in another
4 state] outside this State.

5 (2) The support enforcement agency seeking the order is
6 located [in another state] outside this State.

7 (b) Temporary orders.--The tribunal may issue a temporary
8 child support order if the tribunal determines that an order is
9 appropriate and the individual ordered to pay is any of the
10 following [apply:

11 (1) The respondent has signed a verified statement
12 acknowledging parentage.

13 (2) The respondent has been determined by or pursuant to
14 law to be the parent.

15 (3) There is other clear and convincing evidence that
16 the respondent is the child's parent.];

17 (1) A presumed father of the child.

18 (2) Petitioning to have his paternity adjudicated.

19 (3) Identified as the father of the child through
20 genetic testing.

21 (4) An alleged father who has declined to submit to
22 genetic testing.

23 (5) Shown by clear and convincing evidence to be the
24 father of the child.

25 (6) An acknowledged father as provided by applicable
26 state law.

27 (7) The mother of the child.

28 (8) An individual who has been ordered to pay child
29 support in a previous proceeding and the order has not been
30 reversed or vacated.

1 (c) Relief.--Upon finding, after notice and opportunity to
2 be heard, that an obligor owes a duty of support, the tribunal
3 shall issue a support order directed to the obligor and may
4 issue other orders pursuant to section 7305 (relating to duties
5 and powers of responding tribunal).

6 Section ~~14~~ 15. Title 23 is amended by adding a section to <--
7 read:

8 § 7402. Proceeding to determine parentage.

9 A tribunal of this State authorized to determine parentage of
10 a child may serve as a responding tribunal in a proceeding to
11 determine parentage of a child brought under this part or a law
12 or procedure substantially similar to this part.

13 Section ~~15~~ 16. The heading of Chapter 75 of Title 23 is <--
14 amended to read:

15 CHAPTER 75

16 [DIRECT] ENFORCEMENT OF SUPPORT ORDER [OF ANOTHER STATE]

17 WITHOUT REGISTRATION

18 Section ~~16~~ 17. Sections 7501, 7501.4, 7501.5 and 7502(a) of <--
19 Title 23 are amended to read:

20 § 7501. Employer's receipt of income-withholding order of
21 another state.

22 An income-withholding order issued in another state may be
23 sent by or on behalf of the obligee, or by the support
24 enforcement agency, to the person or entity defined as the
25 obligor's employer under section 4302 (relating to definitions)
26 without first filing a petition or comparable pleading or
27 registering the order with a tribunal of this State.

28 § 7501.4. Penalties for noncompliance.

29 An employer [who] that willfully fails to comply with an
30 income-withholding order issued [by a tribunal of] in another

1 state and received for enforcement is subject to the same
2 penalties that may be imposed for noncompliance with an order
3 issued by a tribunal of this State.

4 § 7501.5. Contest by obligor.

5 An obligor may contest the validity or enforcement of an
6 income-withholding order issued in another state and received
7 directly by an employer in this State [in the same manner as if
8 the order had been issued] by registering the order in a
9 tribunal of this State and filing a contest to that order as
10 provided in Chapter 76 (relating to registration, enforcement
11 and modification of support order) or otherwise contesting the
12 order in the same manner as if the order had been issued by a
13 tribunal of this State. [Section 7604 (relating to choice of
14 law) applies to such a contest.] The obligor shall give notice
15 of the contest to:

16 (1) a support enforcement agency providing services to
17 the obligee;

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

20 (3) the person or agency designated to receive payments
21 in the income-withholding order or, if no person or agency is
22 designated, to the obligee.

23 § 7502. Administrative enforcement of orders.

24 (a) Initiation.--A party or support enforcement agency
25 seeking to enforce a support order or an income-withholding
26 order, or both, issued [by a tribunal of] in another state or a
27 support order issued by a foreign country may send the documents
28 required for registering the order to a support enforcement
29 agency of this State.

30 * * *

1 Section ~~17~~ 18. The heading of Chapter 76 of Title 23 is <--
2 amended to read:

3 CHAPTER 76
4 REGISTRATION, ENFORCEMENT AND MODIFICATION
5 OF SUPPORT ORDER [AFTER REGISTRATION]

6 Section ~~18~~ 19. The heading of Subchapter A of Chapter 76 of <--
7 Title 23 is amended to read:

8 SUBCHAPTER A
9 REGISTRATION [AND] FOR ENFORCEMENT
10 OF SUPPORT ORDER

11 Section ~~19~~ 20. Sections 7601, 7602, 7603, 7604, 7605, 7606, <--
12 7607 and 7608 of Title 23 are amended to read:

13 § 7601. Registration of order for enforcement.

14 A support order or an income-withholding order issued [by a
15 tribunal of] in another state or a foreign support order may be
16 registered in this State for enforcement.

17 § 7602. Procedure to register order for enforcement.

18 (a) General rule.--[A] Except as otherwise provided in
19 section 77A06 (relating to registration of convention support
20 order), a support order or income-withholding order of another
21 state or a foreign support order may be registered in this State
22 by sending all of the following [documents and information]
23 records to the appropriate tribunal in this State:

24 (1) A letter of transmittal to the tribunal requesting
25 registration and enforcement.

26 (2) Two copies, including one certified copy, of the
27 order to be registered, including any modification of the
28 order.

29 (3) A sworn statement by the [party seeking] person
30 requesting registration or a certified statement by the

1 custodian of the records showing the amount of any arrearage.

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

3 (i) the obligor's address and Social Security
4 number;

5 (ii) the name and address of the obligor's employer
6 and any other source of income of the obligor; and

7 (iii) a description and the location of property of
8 the obligor in this State not exempt from execution.

9 (5) [The] Except as set forth in section 7312 (relating
10 to nondisclosure of information in exceptional
11 circumstances), the name and address of the obligee and, if
12 applicable, the agency or person to whom support payments are
13 to be remitted.

14 (b) Docketing.--On receipt of a request for registration,
15 the registering tribunal shall file the order as [a foreign
16 judgment] an order of a tribunal of another state or a foreign
17 support order, together with one copy of the documents and
18 information, regardless of their form.

19 (c) Simultaneous relief.--A petition or comparable pleading
20 seeking a remedy that must be affirmatively sought under other
21 law of this State may be filed at the same time as the request
22 for registration or later. The pleading must specify the grounds
23 for the remedy sought.

24 (d) Multiple orders.--If two or more orders are in effect,
25 the person requesting registration shall do all of the
26 following:

27 (1) Furnish to the tribunal a copy of every support
28 order asserted to be in effect in addition to the documents
29 specified in this section.

30 (2) Specify the order alleged to be the controlling

1 order, if any.

2 (3) Specify the amount of consolidated arrears, if any.

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

9 § 7603. Effect of registration for enforcement.

10 (a) Procedure.--A support order or income-withholding order
11 issued in another state or a foreign support order is registered
12 when the order is filed in the registering tribunal of this
13 State.

14 (b) Enforcement.--A registered support order issued in
15 another state or a foreign county is enforceable in the same
16 manner and is subject to the same procedures as an order issued
17 by a tribunal of this State.

18 (c) Faith and credit.--Except as otherwise provided in this
19 Chapter, a tribunal of this State shall recognize and enforce
20 but may not modify a registered support order if the issuing
21 tribunal had jurisdiction.

22 § 7604. Choice of law.

23 (a) General rule.--[The] Subject to subsection (d), the law
24 of the issuing state or foreign country governs the following:

25 (1) The nature, extent, amount and duration of current
26 payments [and other obligations of support and the] under a
27 registered support order.

28 (2) The computation and payment of arrearages and
29 accrual of interest on the arrearages under the support
30 order.

1 (3) The existence and satisfaction of other obligations
2 under the support order.

3 (b) Proceeding for arrearages.--In a proceeding for
4 arrearages under a registered support order, the statute of
5 limitation under the laws of this State or of the issuing state
6 or foreign country, whichever is longer, applies.

7 (c) Procedures and remedies.--A responding tribunal of this
8 State shall apply the procedures and remedies of this State to
9 enforce current support and collect arrearages and interest due
10 on a support order of another state or a foreign country
11 registered in this State.

12 (d) Controlling order.--After a tribunal of this State or
13 another state determines which is the controlling order and
14 issues an order consolidating arrearages, if any, a tribunal of
15 this State shall prospectively apply the law of the state or
16 foreign country issuing the controlling order, including the law
17 on interest on arrearages, on current and future support and on
18 consolidated arrearages.

19 § 7605. Notice of registration of order.

20 (a) Requirement.--When a support order or income-withholding
21 order issued in another state or a foreign support order is
22 registered, the registering tribunal of this State shall notify
23 the nonregistering party. The notice must be accompanied by a
24 copy of the registered order and the documents and relevant
25 information accompanying the order.

26 (b) Contents.--The notice must inform the nonregistering
27 party of all of the following:

28 (1) That a registered support order is enforceable as of
29 the date of registration in the same manner as an order
30 issued by a tribunal of this State.

1 (2) That a hearing to contest the validity or
2 enforcement of the registered order must be requested within
3 20 days after [the date of mailing or personal service of
4 the] notice unless the registered order is under section
5 77A07 (relating to contest of registered convention support
6 order).

7 (3) That failure to contest the validity or enforcement
8 of the registered order in a timely manner will result in
9 confirmation of the order and enforcement of the order and
10 the alleged arrearages [and will preclude further contest of
11 that order with respect to any matter that could have been
12 asserted].

13 (4) The amount of any alleged arrearages.

14 (b.1) Multiple orders.--If the registering party asserts
15 that two or more orders are in effect, a notice must also do all
16 the following:

17 (1) Identify the two or more orders and order alleged by
18 the registering party to be the controlling order and the
19 consolidated arrearages, if any.

20 (2) Notify the nonregistering party of the right to a
21 determination of which is the controlling order.

22 (3) State that the procedure under subsection (b)
23 applies to the determination of which is the controlling
24 order.

25 (4) State that the failure to contest the validity or
26 enforcement of the order alleged to be the controlling order
27 in a timely manner may result in confirmation that the order
28 is the controlling order.

29 (c) Employer.--Upon registration of an income-withholding
30 order for enforcement, the support enforcement agency or the

1 registering tribunal shall notify the obligor's employer
2 pursuant to section 4348 (relating to attachment of income).
3 § 7606. Procedure to contest validity or enforcement of
4 registered support order.

5 (a) Action.--A nonregistering party seeking to contest the
6 validity or enforcement of a registered support order in this
7 State must request a hearing within [20 days after the date of
8 mailing or personal service of notice of the registration] the
9 time required under section 7605 (relating to notice of
10 registration of order). The nonregistering party may seek to
11 vacate the registration, to assert any defense to an allegation
12 of noncompliance with the registered order or to contest the
13 remedies being sought or the amount of any alleged arrearages
14 pursuant to section 7607 (relating to contest of registration or
15 enforcement).

16 (b) Inaction.--If the nonregistering party fails to contest
17 the validity or enforcement of the registered support order in a
18 timely manner, the order is confirmed by operation of law.

19 (c) Hearing.--If a nonregistering party requests a hearing
20 to contest the validity or enforcement of the registered support
21 order, the registering tribunal shall schedule the matter for
22 hearing and give notice to the parties of the date, time and
23 place of the hearing.

24 § 7607. Contest of registration or enforcement.

25 (a) Defenses.--A party contesting the validity or
26 enforcement of a registered support order or seeking to vacate
27 the registration has the burden of proving any of the following
28 defenses:

29 (1) The issuing tribunal lacked personal jurisdiction
30 over the contesting party.

1 (2) The order was obtained by fraud.

2 (3) The order has been vacated, suspended or modified by
3 a later order.

4 (4) The issuing tribunal has stayed the order pending
5 appeal.

6 (5) There is a defense under the law of this State to
7 the remedy sought.

8 (6) Full or partial payment has been made.

9 (7) The statute of limitation under section 7604
10 (relating to choice of law) precludes enforcement of some or
11 all of the arrearages.

12 (8) The alleged controlling order is not the controlling
13 order.

14 (b) Relief.--If a party presents evidence establishing a
15 full or partial defense under subsection (a), a tribunal may
16 stay enforcement of [the] a registered support order, continue
17 the proceeding to permit production of additional relevant
18 evidence and issue other appropriate orders. An uncontested
19 portion of the registered support order may be enforced by all
20 remedies available under the law of this State.

21 (c) Affirmance.--If the contesting party does not establish
22 a defense under subsection (a) to the validity or enforcement of
23 [the] a registered support order, the registering tribunal shall
24 issue an order confirming the order.

25 § 7608. Confirmed order.

26 Confirmation of a registered support order, whether by
27 operation of law or after notice and hearing, precludes further
28 contest of the order with respect to any matter that could have
29 been asserted at the time of registration.

30 Section ~~20~~ 21. The heading of Subchapter C of Chapter 76 of <--

1 Title 23 is amended to read:

2 SUBCHAPTER C

3 REGISTRATION AND MODIFICATION OF CHILD

4 SUPPORT ORDER OF ANOTHER STATE

5 Section ~~21~~ 22. Sections 7609, 7610, 7611, 7612 and 7613 of <--
6 Title 23 are amended to read:

7 § 7609. Procedure to register child support order of another
8 state for modification.

9 A party or support enforcement agency seeking to modify or to
10 modify and enforce a child support order issued in another state
11 must register that order in this State in the same manner
12 provided in Subchapter A (relating to registration [and] for
13 enforcement of support order) or B (relating to contest of
14 validity or enforcement) if the order has not been registered. A
15 petition for modification may be filed at the same time as a
16 request for registration or later. The pleading must specify the
17 grounds for modification.

18 § 7610. Effect of registration for modification.

19 A tribunal of this State may enforce a child support order of
20 another state registered for purposes of modification in the
21 same manner as if the order had been issued by a tribunal of
22 this State, but the registered support order may be modified
23 only if the requirements of section 7611 (relating to
24 modification of child support order of another state) or 7613
25 (relating to jurisdiction to modify child support order of
26 another state when individual parties reside in this State) have
27 been met.

28 § 7611. Modification of child support order of another state.

29 (a) Authority.--After a child support order issued in
30 another state has been registered in this State, the responding

1 tribunal of this State may modify that order, upon petition,
2 only if section 7613 (relating to jurisdiction to modify child
3 support order of another state when individual parties reside in
4 this State) does not apply and after notice and hearing it finds
5 [that] one of the following:

6 (1) The following requirements are met:

7 (i) the child, the individual obligee and the
8 obligor do not reside in the issuing state;

9 (ii) a petitioner who is a nonresident of this State
10 seeks modification; and

11 (iii) the respondent is subject to the personal
12 jurisdiction of the tribunal of this State.

13 (2) [The] This State is the residence of the child, or a
14 party who is an individual[,] is subject to the personal
15 jurisdiction of the tribunal of this State; and all of the
16 parties who are individuals have filed [written] consents in
17 a record in the issuing tribunal for a tribunal of this State
18 to modify the support order and assume continuing, exclusive
19 jurisdiction over the order. [If the issuing state is a
20 foreign jurisdiction which has not enacted a law or
21 established procedures substantially similar to procedures
22 under this part, the consent otherwise required of an
23 individual residing in this State is not required for the
24 tribunal to assume jurisdiction to modify the child support
25 order.]

26 (b) General rule.--Modification of a registered child
27 support order is subject to the same requirements, procedures
28 and defenses that apply to the modification of an order issued
29 by a tribunal of this State, and the order may be enforced and
30 satisfied in the same manner.

1 (c) Restriction.--A tribunal of this State may not modify
2 any aspect of a child support order that may not be modified
3 under the law of the issuing state, including the duration of
4 the obligation of support. If two or more tribunals have issued
5 child support orders for the same obligor and child, the order
6 that controls and must be so recognized under section 7207
7 (relating to recognition of controlling child support order)
8 establishes the aspects of the support order which are not
9 modifiable.

10 (c.1) Modification.--In a proceeding to modify a child
11 support order, the law of the state that is determined to have
12 issued the initial controlling order governs the duration of the
13 obligation of support. The obligor's fulfillment of the duty of
14 support established by that order precludes imposition of a
15 further obligation of support by a tribunal of this State.

16 (d) Continuing, exclusive jurisdiction.--On issuance of an
17 order by a tribunal of this State modifying a child support
18 order issued in another state, a tribunal of this State becomes
19 the tribunal of continuing, exclusive jurisdiction.

20 (f) Retained jurisdiction.--Notwithstanding subsection (a),
21 (b), (c) or (d) or section 7201(b) (relating to bases for
22 jurisdiction over nonresident), a tribunal of this State retains
23 jurisdiction to modify an order issued by a tribunal of this
24 State if the following are met:

25 (1) One party resides in another state.

26 (2) The other party resides outside the United States.

27 § 7612. Recognition of order modified in another state.

28 [A tribunal of this State shall recognize a modification of
29 its earlier child support order by a tribunal of another state
30 which assumed jurisdiction pursuant to a law substantially

1 similar to this part and, upon request, except as otherwise
2 provided in this part, shall do all of the following:] If a
3 child support order issued by a tribunal of this State is
4 modified by a tribunal of another state which assumed
5 jurisdiction under a law substantially similar to this part, all
6 of the following is available to a tribunal of this State:

7 (1) [Enforce] A tribunal may enforce the order that was
8 modified only as to [amounts] arrears and interest accruing
9 before the modification.

10 [(2) Enforce only nonmodifiable aspects of that order.]

11 (3) [Provide other] A tribunal may provide appropriate
12 relief [only] for violations of that order which occurred
13 before the effective date of the modification.

14 (4) [Recognize] A tribunal shall recognize the modifying
15 order of the other state upon registration for the purpose of
16 enforcement.

17 § 7613. Jurisdiction to modify child support order of another
18 state when individual parties reside in this State.

19 (a) General rule.--If all of the parties who are individuals
20 reside in this State and the child does not reside in the
21 issuing state, a tribunal of this State has jurisdiction to
22 enforce and to modify the issuing state's child support order in
23 a proceeding to register that order.

24 (b) Applicable law.--A tribunal of this State exercising
25 jurisdiction under this section shall apply the provisions of
26 Chapters 71 (relating to general provisions) and 72 (relating to
27 jurisdiction), this Chapter and the procedural and substantive
28 law of this State to the proceeding for enforcement or
29 modification. Chapters 73 (relating to civil provisions of
30 general application), 74 (relating to establishment of support

1 order or determination of parentage), 75 (relating to [direct]
2 enforcement of support order [of another state] without
3 registration), [77 (relating to determination of parentage)] 77A
4 (relating to support proceeding under convention) and 78
5 (relating to interstate rendition) do not apply.

6 Section ~~22~~ 23. Chapter 76 of Title 23 is amended by adding a <--
7 subchapter to read:

8 SUBCHAPTER D

9 REGISTRATION AND MODIFICATION

10 OF FOREIGN CHILD SUPPORT ORDER

11 Sec.

12 7615. Jurisdiction to modify a child support order of a foreign
13 country.

14 7616. Procedure to register a child support order of a foreign
15 country for modification.

16 § 7615. Jurisdiction to modify a child support order of a
17 foreign country.

18 (a) Jurisdiction.--Except as otherwise provided under
19 section 77A11 (relating to modification of convention child
20 support order), if a foreign country lacks or refuses to
21 exercise jurisdiction to modify a child support order issued by
22 the foreign country under the foreign country's laws, a tribunal
23 of this State may assume jurisdiction to modify the child
24 support order and bind all individuals subject to the personal
25 jurisdiction of the tribunal whether the consent to modification
26 of a child support order otherwise required of the individual
27 under section 7611 (relating to modification of child support
28 order of another state) has been given or whether the individual
29 seeking modification is a resident of this State or of a foreign
30 country.

1 (b) Controlling order.--An order issued by a tribunal of
2 this State modifying a foreign child support order under this
3 section is the controlling order.

4 § 7616. Procedure to register a child support order of a
5 foreign country for modification.

6 A party or support enforcement agency seeking to modify or to
7 modify and enforce a foreign child support order not under the
8 convention may register that order in this State under
9 Subchapter A (relating to registration and enforcement of
10 support order) or B (relating to contest of validity or
11 enforcement) if the order has not been registered. A petition
12 for modification may be filed at the same time as a request for
13 registration or at another time. The petition must specify the
14 grounds for modification.

15 Section ~~23~~ 24. Chapter 77 of Title 23 is repealed: <--

16 [CHAPTER 77
17 DETERMINATION OF PARENTAGE

18 § 7701. Proceeding to determine parentage.

19 (a) Jurisdiction.--A tribunal of this State may serve as an
20 initiating or responding tribunal in a proceeding brought under
21 this part or a law substantially similar to this part, the
22 Uniform Reciprocal Enforcement of Support Act or the Revised
23 Uniform Reciprocal Enforcement of Support Act to determine that
24 the petitioner is a parent of a particular child or to determine
25 that a respondent is a parent of that child.

26 (b) Choice of law.--In a proceeding to determine parentage,
27 a responding tribunal of this State shall apply the procedural
28 and substantive law of this State and the rules of this State on
29 choice of law.]

30 Section ~~24~~ 25. Title 23 is amended by adding a chapter to <--

1 read:

2 CHAPTER 77A

3 SUPPORT PROCEEDING UNDER CONVENTION

4 Sec.

5 77A01. Definitions.

6 77A02. Applicability.

7 77A03. Relationship of department to United States central
8 authority.

9 77A04. Initiation by department of support proceeding under
10 convention.

11 77A05. Direct request.

12 77A06. Registration of convention support order.

13 77A07. Contest of registered convention support order.

14 77A08. Recognition and enforcement of registered convention
15 support order.

16 77A09. Partial enforcement.

17 77A10. Foreign support agreement.

18 77A11. Modification of convention child support order.

19 77A12. Personal information.

20 77A13. Record in original language.

21 § 77A01. Definitions.

22 The following words and phrases when used in this chapter
23 shall have the meanings given to them in this section unless the
24 context clearly indicates otherwise:

25 "Application." A request under the convention by an obligee
26 or obligor, or on behalf of a child, made through a central
27 authority for assistance from another central authority.

28 "Central authority." The entity designated by the United
29 States or a foreign country defined in paragraph (4) of the
30 definition of "foreign country" in section 7101.1 (relating to

1 definitions) to perform the functions specified in the
2 convention.

3 "Convention support order." A support order of a tribunal of
4 a foreign country defined in paragraph (4) of the definition of
5 "foreign country" in section 7101.1.

6 "Direct request." A petition filed by an individual in a
7 tribunal of this State in a proceeding involving an obligee,
8 obligor or child residing outside the United States.

9 "Foreign central authority." The entity designated by a
10 foreign country defined in paragraph (4) of the definition of
11 "foreign country" in section 7101.1 to perform the functions
12 specified in the convention.

13 "Foreign support agreement."

14 (1) An agreement for support in a record that:

15 (i) is enforceable as a support order in the country
16 of origin;

17 (ii) has been:

18 (A) formally prepared or registered as an
19 authentic instrument by a foreign tribunal; or

20 (B) authenticated by or concluded, registered,
21 or filed with a foreign tribunal; and

22 (iii) may be reviewed and modified by a foreign
23 tribunal.

24 (2) The term includes a maintenance arrangement or
25 authentic instrument under the convention.

26 "United States central authority." The Secretary of the
27 United States Department of Health and Human Services.

28 § 77A02. Applicability.

29 This chapter applies only to a support proceeding under the
30 convention. In a proceeding, if a provision of this chapter is

1 inconsistent with Chapter 71 (relating to general provisions),
2 72 (relating to jurisdiction), 73 (relating to civil provisions
3 of general application), 74 (relating to establishment of
4 support order or determination of parentage), 75 (relating to
5 enforcement of support order without registration) or 76
6 (relating to registration, enforcement and modification of
7 support order), this chapter controls.

8 § 77A03. Relationship of department to United States central
9 authority.

10 The department is recognized as the agency designated by the
11 United States central authority to perform specific functions
12 under the convention.

13 § 77A04. Initiation by department of support proceeding under
14 convention.

15 (a) Duties.--In a support proceeding under this chapter, the
16 department shall do all the following:

17 (1) Transmit and receive applications.

18 (2) Initiate or facilitate the institution of a
19 proceeding regarding an application in a tribunal of this
20 State.

21 (b) Obligee support proceedings.--All of the following
22 support proceedings are available to an obligee under the
23 convention:

24 (1) Recognition or recognition and enforcement of a
25 foreign support order.

26 (2) Enforcement of a support order issued or recognized
27 in this State.

28 (3) Establishment of a support order if there is no
29 existing order, including, if necessary, determination of
30 parentage of a child.

1 (4) Establishment of a support order if recognition of a
2 foreign support order is refused under section 77A08(b)(2),
3 (4) or (9) (relating to recognition and enforcement of
4 registered convention support order).

5 (5) Modification of a support order of a tribunal of
6 this State.

7 (6) Modification of a support order of a tribunal of
8 another state or a foreign country.

9 (c) Obligor support proceedings.--All of the following
10 support proceedings are available under the convention to an
11 obligor against which there is an existing support order:

12 (1) Recognition of an order suspending or limiting
13 enforcement of an existing support order of a tribunal of
14 this State.

15 (2) Modification of a support order of a tribunal of
16 this State.

17 (3) Modification of a support order of a tribunal of
18 another state or a foreign country.

19 (d) Prohibition.--A tribunal of this State may not require
20 security, bond or deposit, however described, to guarantee the
21 payment of costs and expenses in proceedings under the
22 convention.

23 § 77A05. Direct request.

24 (a) General rule.--A petitioner may file a direct request
25 seeking:

26 (1) Establishment or modification of a support order or
27 determination of parentage of a child. In the proceeding, the
28 determination of parentage of a child under the laws of this
29 State applies.

30 (2) Recognition and enforcement of a support order or

1 support agreement. In the proceeding, sections 77A06
2 (relating to registration of convention support order), 77A07
3 (relating to contest of registered convention support order),
4 77A08 (relating to recognition and enforcement of registered
5 convention support order), 77A09 (relating to partial
6 enforcement), 77A10 (relating to foreign support agreement),
7 77A11 (relating to modification of convention child support
8 order), 77A12 (relating to personal information) and 77A13
9 (relating to record in original language) apply.

10 (b) Requirements.--In a direct request for recognition and
11 enforcement of a convention support order or foreign support
12 agreement, the following apply:

13 (1) A security, bond or deposit may not be required to
14 guarantee the payment of costs and expenses.

15 (2) An obligee or obligor that, in the issuing country,
16 has benefited from free legal assistance is entitled to
17 benefit, at least to the same extent, from any free legal
18 assistance provided for by the law of this State under the
19 same circumstances.

20 (d) Assistance.--A petitioner filing a direct request is not
21 entitled to assistance from the department.

22 (e) Application of other laws.--This chapter does not
23 prevent the application of laws of this State that provide
24 simplified, more expeditious rules regarding a direct request
25 for recognition and enforcement of a foreign support order or
26 foreign support agreement.

27 § 77A06. Registration of convention support order.

28 (a) Registration required.--Except as otherwise provided in
29 this chapter, a party who is an individual or a support
30 enforcement agency seeking recognition of a convention support

1 order shall register the order in this State as provided in
2 Chapter 76 (relating to registration, enforcement and
3 modification of support order).

4 (b) Documentation required.--Notwithstanding sections 7311
5 (relating to pleadings and accompanying documents) and 7602(a)
6 (relating to procedure to register order for enforcement), a
7 request for registration of a convention support order must be
8 accompanied by the following:

9 (1) A complete text of the support order or an abstract
10 of the support order prepared by the issuing foreign
11 tribunal, which may be in the form recommended by the Hague
12 Conference on Private International Law.

13 (2) A record stating that the support order is
14 enforceable in the issuing country.

15 (3) If the respondent did not appear and was not
16 represented in the proceedings in the issuing country, a
17 record attesting, as appropriate, either that the respondent
18 had proper notice of the proceedings and an opportunity to be
19 heard or that the respondent had proper notice of the support
20 order and an opportunity to be heard in a challenge or appeal
21 on fact or law before a tribunal.

22 (4) A record showing the amount of arrears, if any, and
23 the date the amount was calculated.

24 (5) A record showing a requirement for automatic
25 adjustment of the amount of support, if any, and the
26 information necessary to make the appropriate calculations.

27 (6) If necessary, a record showing the extent to which
28 the applicant received free legal assistance in the issuing
29 country.

30 (c) Recognition and partial enforcement.--A request for

1 registration of a convention support order may seek recognition
2 and partial enforcement of the order.

3 (d) Vacating registration.--A tribunal of this State may
4 vacate the registration of a convention support order without
5 the filing of a contest under section 77A07 (relating to contest
6 of registered convention support order) only if, acting on its
7 own motion, the tribunal finds that recognition and enforcement
8 of the order would be manifestly incompatible with public
9 policy.

10 (e) Notification.--The tribunal shall promptly notify the
11 parties of the registration or the order vacating the
12 registration of a convention support order.

13 § 77A07. Contest of registered convention support order.

14 (a) Applicability.--Except as otherwise provided in this
15 chapter, sections 7605 (relating to notice of registration of
16 order), 7606 (relating to procedure to contest validity or
17 enforcement of registered support order), 7607 (relating to
18 contest of registration or enforcement) and 7608 (relating to
19 confirmed order) apply to a contest of a registered convention
20 support order.

21 (b) Time.--A party contesting a registered convention
22 support order must file a contest:

23 (1) Not later than 30 days after notice of the
24 registration if the contesting party resides in the United
25 States.

26 (2) Not later than 60 days after notice of the
27 registration if the contesting party does not reside in the
28 United States.

29 (c) Failure to contest.--If the nonregistering party fails
30 to contest the registered convention support order by the time

1 specified in subsection (b), the order is enforceable.

2 (d) Basis of contest.--A contest of a registered convention
3 support order may be based only on grounds set forth in section
4 77A08 (relating to recognition and enforcement of registered
5 convention support order). The contesting party shall bear the
6 burden of proof.

7 (e) Tribunal duties.--In a contest of a registered
8 convention support order, a tribunal of this State:

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

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

12 (f) Notification of decision.--A tribunal of this State
13 deciding a contest of a registered convention support order
14 shall promptly notify the parties of its decision.

15 (g) Appeals.--A challenge or appeal does not stay the
16 enforcement of a convention support order unless there are
17 exceptional circumstances.

18 § 77A08. Recognition and enforcement of registered convention
19 support order.

20 (a) General rule.--Except as otherwise provided in
21 subsection (b), a tribunal of this State shall recognize and
22 enforce a registered convention support order.

23 (b) Refusal of recognition or enforcement.--The following
24 grounds are the only grounds on which a tribunal of this State
25 may refuse recognition and enforcement of a registered
26 convention support order:

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

1 heard.

2 (2) The issuing tribunal lacked personal jurisdiction
3 consistent with section 7201 (relating to bases for
4 jurisdiction over nonresident).

5 (3) The order is not enforceable in the issuing country.

6 (4) The order was obtained by fraud in connection with a
7 matter of procedure.

8 (5) A record transmitted in accordance with section
9 77A06 (relating to registration of convention support order)
10 lacks authenticity or integrity.

11 (6) A proceeding between the same parties and having the
12 same purpose is pending before a tribunal of this State and
13 that proceeding was the first to be filed.

14 (7) The order is incompatible with a more recent support
15 order involving the same parties and having the same purpose
16 if the more recent support order is entitled to recognition
17 and enforcement under this part in this State.

18 (8) Payment, to the extent alleged arrears have been
19 paid in whole or in part.

20 (9) In a case in which the respondent did not appear and
21 was not represented in the proceeding in the issuing foreign
22 country:

23 (i) if the law of that country provides for prior
24 notice of proceedings, the respondent did not have proper
25 notice of the proceedings and an opportunity to be heard;
26 or

27 (ii) if the law of that country does not provide for
28 prior notice of the proceedings, the respondent did not
29 have proper notice of the order and an opportunity to be
30 heard in a challenge or appeal on fact or law before a

1 tribunal.

2 (10) The order was made in violation of section 77A11
3 (relating to modification of convention child support order).

4 (c) Procedure in certain situations.--If a tribunal of this
5 State does not recognize a convention support order under
6 subsection (b) (2), (4) or (9):

7 (1) the tribunal may not dismiss the proceeding without
8 allowing a reasonable time for a party to request the
9 establishment of a new convention support order; and

10 (2) the department shall take all appropriate measures
11 to request a child support order for the obligee if the
12 application for recognition and enforcement was received
13 under section 77A04 (relating to initiation by department of
14 support proceeding under convention).

15 § 77A09. Partial enforcement.

16 If a tribunal of this State does not recognize and enforce a
17 convention support order in the order's entirety, the tribunal
18 shall enforce any severable part of the order. An application or
19 direct request may seek recognition and partial enforcement of a
20 convention support order.

21 § 77A10. Foreign support agreement.

22 (a) Recognition and enforcement.--Except as otherwise
23 provided in subsections (c) and (d), a tribunal of this State
24 shall recognize and enforce a foreign support agreement
25 registered in this State.

26 (b) Documentation required.--An application or direct
27 request for recognition and enforcement of a foreign support
28 agreement must be accompanied by the following:

29 (1) A complete text of the foreign support agreement.

30 (2) A record stating that the foreign support agreement

1 is enforceable as an order of support in the issuing country.

2 (c) Vacating registration.--A tribunal of this State may
3 vacate the registration of a foreign support agreement only if,
4 acting on its own motion, the tribunal finds that recognition
5 and enforcement would be manifestly incompatible with public
6 policy.

7 (d) Contested agreements.--In a contest of a foreign support
8 agreement, a tribunal of this State may refuse recognition and
9 enforcement of the agreement if it finds any of the following:

10 (1) Recognition and enforcement of the agreement is
11 manifestly incompatible with public policy.

12 (2) The agreement was obtained by fraud or
13 falsification.

14 (3) The agreement is incompatible with a support order
15 involving the same parties and having the same purpose in
16 this State, another state or a foreign country if the support
17 order is entitled to recognition and enforcement under this
18 part in this State.

19 (4) The record submitted under subsection (b) lacks
20 authenticity or integrity.

21 (e) Suspension during appeal.--A proceeding for recognition
22 and enforcement of a foreign support agreement must be suspended
23 during the pendency of a challenge to or appeal of the agreement
24 before a tribunal of another state or a foreign country.

25 § 77A11. Modification of convention child support order.

26 (a) General rule.--A tribunal of this State may not modify a
27 convention child support order if the obligee remains a resident
28 of the foreign country where the support order was issued unless
29 one of the following occurs:

30 (1) The obligee submits to the jurisdiction of a

1 tribunal of this State, either expressly or by defending on
2 the merits of the case without objecting to the jurisdiction
3 at the first available opportunity.

4 (2) The foreign tribunal lacks or refuses to exercise
5 jurisdiction to modify the support order or issue a new
6 support order.

7 (b) Order not recognized.--If a tribunal of this State does
8 not modify a convention child support order because the order is
9 not recognized in this State, section 77A08(c) (relating to
10 recognition and enforcement of registered convention support
11 order) applies.

12 § 77A12. Personal information.

13 Personal information gathered or transmitted under this
14 chapter may be used only for the purposes for which the
15 information was gathered or transmitted.

16 § 77A13. Record in original language.

17 A record filed with a tribunal of this State under this part
18 must be in the original language and, if not in English, must be
19 accompanied by an English translation.

20 Section ~~25~~ 26. Sections 7801(b) and 7802(b) of Title 23 are <--
21 amended to read:

22 § 7801. Grounds for rendition.

23 * * *

24 (b) Authority of Governor.--The Governor of this State may
25 do [all] either of the following:

26 (1) Demand that the Governor of another state surrender
27 an individual found in the other state who is charged
28 criminally in this State with having failed to provide for
29 the support of an obligee.

30 (2) On the demand by the Governor of another state,

1 surrender an individual found in this State who is charged
2 criminally in the other state with having failed to provide
3 for the support of an obligee.

4 * * *

5 § 7802. Conditions of rendition.

6 * * *

7 (b) Extradition from this State.--If under this part or a
8 law substantially similar to this part[, the Uniform Reciprocal
9 Enforcement of Support Act or the Revised Uniform Reciprocal
10 Enforcement of Support Act] the Governor of another state makes
11 a demand that the Governor of this State surrender an individual
12 charged criminally in that state with having failed to provide
13 for the support of a child or other individual to whom a duty of
14 support is owed, the Governor may require a prosecutor to
15 investigate the demand and report whether a proceeding for
16 support has been initiated or would be effective. If it appears
17 that a proceeding would be effective but has not been initiated,
18 the Governor may delay honoring the demand for a reasonable time
19 to permit the initiation of a proceeding.

20 * * *

21 Section ~~26~~ 27. Section 7901 of Title 23 is amended to read: <--

22 § 7901. Uniformity of application and construction.

23 [This part shall be applied and construed to effectuate its
24 general purpose to make uniform the law with respect to the
25 subject of this part among states enacting it.] In applying and
26 construing this uniform part, consideration must be given to the
27 need to promote uniformity of the law with respect to the law's
28 subject matter among states which enact this uniform law.

29 Section ~~27~~ 28. Title 23 is amended by adding sections to <--
30 read:

1 § 7902. Transitional provision.

2 This part applies to proceedings beginning on or after the
3 effective date of this section to do any of the following:

4 (1) Establish a support order.

5 (2) Determine parentage of a child.

6 (3) Register, recognize, enforce or modify a prior
7 support order, determination or agreement, whenever issued or
8 entered.

9 § 7903. Severability.

10 If any provision of this part or its application to any
11 person or circumstance is held invalid, the invalidity does not
12 affect other provisions or application of this part which can be
13 given effect without the invalid provision or application, and
14 to this end the provisions of this part are severable.

15 SECTION 29. SECTION 6302 OF TITLE 42 IS AMENDED BY ADDING <--
16 DEFINITIONS TO READ:

17 § 6302. DEFINITIONS.

18 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
19 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
20 CONTEXT CLEARLY INDICATES OTHERWISE:

21 "AGE-APPROPRIATE OR DEVELOPMENTALLY APPROPRIATE." THE
22 FOLLOWING:

23 (1) ACTIVITIES OR ITEMS THAT ARE GENERALLY ACCEPTED AS
24 SUITABLE FOR CHILDREN OF THE SAME CHRONOLOGICAL AGE OR LEVEL
25 OF MATURITY OR THAT ARE DETERMINED TO BE DEVELOPMENTALLY
26 APPROPRIATE FOR A CHILD BASED ON THE DEVELOPMENT OF
27 COGNITIVE, EMOTIONAL, PHYSICAL AND BEHAVIORAL CAPACITIES THAT
28 ARE TYPICAL FOR AN AGE OR AGE GROUP; AND

29 (2) IN THE CASE OF A SPECIFIC CHILD, ACTIVITIES OR ITEMS
30 THAT ARE SUITABLE FOR THE CHILD BASED ON THE DEVELOPMENTAL

1 STAGES ATTAINED BY THE CHILD WITH RESPECT TO THE COGNITIVE,
2 EMOTIONAL, PHYSICAL AND BEHAVIORAL CAPACITIES OF THE CHILD.

3 * * *

4 "CAREGIVER." A PERSON WITH WHOM THE CHILD IS PLACED IN AN
5 OUT-OF-HOME PLACEMENT, INCLUDING A RESOURCE FAMILY OR AN
6 INDIVIDUAL DESIGNATED BY A COUNTY AGENCY OR PRIVATE AGENCY. THE
7 RESOURCE FAMILY IS THE CAREGIVER FOR ANY CHILD PLACED WITH THEM.

8 * * *

9 "OUT-OF-HOME PLACEMENT." A SETTING THAT PROVIDES 24-HOUR
10 SUBSTITUTE CARE FOR A CHILD AWAY FROM THE CHILD'S PARENTS OR
11 GUARDIANS AND FOR WHOM THE COUNTY AGENCY HAS PLACEMENT CARE AND
12 RESPONSIBILITY. THE TERM INCLUDES RESOURCE FAMILY HOMES AND
13 SUPERVISED SETTINGS IN WHICH A CHILD IS LIVING AND, FOR A CHILD
14 WHO HAS ATTAINED 18 YEARS OF AGE, A SUPERVISED SETTING IN WHICH
15 THE INDIVIDUAL IS LIVING INDEPENDENTLY. THE TERM DOES NOT
16 INCLUDE SECURE FACILITIES, FACILITIES OPERATED PRIMARILY FOR THE
17 DETENTION OF CHILDREN WHO HAVE BEEN ADJUDICATED DELINQUENT,
18 ACCREDITED PSYCHIATRIC RESIDENTIAL TREATMENT FACILITIES OR
19 HOSPITALS.

20 "PRIVATE AGENCY." AN ENTITY THAT PROVIDES OUT-OF-HOME
21 PLACEMENT SERVICES TO CHILDREN UNDER A CONTRACT WITH A COUNTY
22 AGENCY.

23 * * *

24 "REASONABLE AND PRUDENT PARENT STANDARD." THE STANDARD,
25 CHARACTERIZED BY CAREFUL AND SENSIBLE PARENTAL DECISIONS THAT
26 MAINTAIN THE HEALTH, SAFETY AND BEST INTERESTS OF A CHILD WHILE
27 ENCOURAGING THE EMOTIONAL AND DEVELOPMENTAL GROWTH OF THE CHILD,
28 THAT A CAREGIVER MUST USE WHEN DETERMINING WHETHER TO ALLOW A
29 CHILD IN AN OUT-OF-HOME PLACEMENT UNDER THE RESPONSIBILITY OF
30 THE COUNTY AGENCY TO PARTICIPATE IN EXTRACURRICULAR, ENRICHMENT,

1 CULTURAL AND SOCIAL ACTIVITIES.

2 "RESOURCE FAMILY." AS DEFINED UNDER SECTION 3 OF THE ACT OF
3 NOVEMBER 22, 2005 (P.L.404, NO.73), KNOWN AS THE RESOURCE FAMILY
4 CARE ACT.

5 * * *

6 SECTION 30. SECTION 6351(E)(1), (F)(8) AND (F.1)(5) OF TITLE
7 42 ARE AMENDED AND SUBSECTION (F) IS AMENDED BY ADDING A
8 PARAGRAPH TO READ:

9 § 6351. DISPOSITION OF DEPENDENT CHILD.

10 * * *

11 (E) PERMANENCY HEARINGS.--

12 (1) THE COURT SHALL CONDUCT A PERMANENCY HEARING FOR THE
13 PURPOSE OF DETERMINING OR REVIEWING THE PERMANENCY PLAN OF
14 THE CHILD, THE DATE BY WHICH THE GOAL OF PERMANENCY FOR THE
15 CHILD MIGHT BE ACHIEVED AND WHETHER PLACEMENT CONTINUES TO BE
16 BEST SUITED TO THE SAFETY, PROTECTION AND PHYSICAL, MENTAL
17 AND MORAL WELFARE OF THE CHILD. IN ANY PERMANENCY HEARING
18 HELD WITH RESPECT TO THE CHILD, THE COURT SHALL CONSULT WITH
19 THE CHILD REGARDING THE CHILD'S PERMANENCY PLAN, INCLUDING
20 THE CHILD'S DESIRED PERMANENCY GOAL, IN A MANNER APPROPRIATE
21 TO THE CHILD'S AGE AND MATURITY. IF THE COURT DOES NOT
22 CONSULT PERSONALLY WITH THE CHILD, THE COURT SHALL ENSURE
23 THAT THE VIEWS OF THE CHILD REGARDING THE PERMANENCY PLAN
24 HAVE BEEN ASCERTAINED TO THE FULLEST EXTENT POSSIBLE AND
25 COMMUNICATED TO THE COURT BY THE GUARDIAN AD LITEM UNDER
26 SECTION 6311 (RELATING TO GUARDIAN AD LITEM FOR CHILD IN
27 COURT PROCEEDINGS) OR, AS APPROPRIATE TO THE CIRCUMSTANCES OF
28 THE CASE BY THE CHILD'S COUNSEL, THE COURT-APPOINTED SPECIAL
29 ADVOCATE OR OTHER PERSON AS DESIGNATED BY THE COURT.

30 * * *

1 (F) MATTERS TO BE DETERMINED AT PERMANENCY HEARING.--AT EACH
2 PERMANENCY HEARING, A COURT SHALL DETERMINE ALL OF THE
3 FOLLOWING:

4 * * *

5 (8) THE SERVICES NEEDED TO ASSIST A CHILD WHO IS [16] 14
6 YEARS OF AGE OR OLDER TO MAKE THE TRANSITION TO [INDEPENDENT
7 LIVING] SUCCESSFUL ADULTHOOD.

8 * * *

9 (12) IF THE CHILD HAS BEEN PLACED WITH A CAREGIVER,
10 WHETHER THE CHILD IS BEING PROVIDED WITH REGULAR, ONGOING
11 OPPORTUNITIES TO PARTICIPATE IN AGE-APPROPRIATE OR
12 DEVELOPMENTALLY APPROPRIATE ACTIVITIES. IN ORDER TO MAKE THE
13 DETERMINATION UNDER THIS PARAGRAPH, THE COUNTY AGENCY SHALL
14 DOCUMENT THE STEPS IT HAS TAKEN TO ENSURE THAT:

15 (I) THE CAREGIVER IS FOLLOWING THE REASONABLE AND
16 PRUDENT PARENT STANDARD; AND

17 (II) THE CHILD HAS REGULAR, ONGOING OPPORTUNITIES TO
18 ENGAGE IN AGE-APPROPRIATE OR DEVELOPMENTALLY APPROPRIATE
19 ACTIVITIES. THE COUNTY AGENCY SHALL CONSULT WITH THE
20 CHILD REGARDING OPPORTUNITIES TO ENGAGE IN SUCH
21 ACTIVITIES.

22 * * *

23 (F.1) ADDITIONAL DETERMINATION.--BASED UPON THE
24 DETERMINATIONS MADE UNDER SUBSECTION (F) AND ALL RELEVANT
25 EVIDENCE PRESENTED AT THE HEARING, THE COURT SHALL DETERMINE ONE
26 OF THE FOLLOWING:

27 * * *

28 (5) IF AND WHEN THE CHILD WILL BE PLACED IN ANOTHER
29 PLANNED PERMANENT LIVING ARRANGEMENT [INTENDED TO BE
30 PERMANENT IN NATURE] WHICH IS APPROVED BY THE COURT [IN CASES

1 WHERE THE COUNTY AGENCY HAS DOCUMENTED A COMPELLING REASON
2 THAT IT WOULD NOT BE BEST SUITED TO THE SAFETY, PROTECTION
3 AND PHYSICAL, MENTAL AND MORAL WELFARE OF THE CHILD TO BE
4 RETURNED TO THE CHILD'S PARENT, GUARDIAN OR CUSTODIAN, TO BE
5 PLACED FOR ADOPTION, TO BE PLACED WITH A LEGAL CUSTODIAN OR
6 TO BE PLACED WITH A FIT AND WILLING RELATIVE.], THE FOLLOWING
7 SHALL APPLY:

8 (I) THE CHILD MUST BE 16 YEARS OF AGE OR OLDER.

9 (II) THE COUNTY AGENCY SHALL IDENTIFY AT LEAST ONE
10 SIGNIFICANT CONNECTION WITH A SUPPORTIVE ADULT WILLING TO
11 BE INVOLVED IN THE CHILD'S LIFE AS THE CHILD TRANSITIONS
12 TO ADULTHOOD, OR DOCUMENT THAT EFFORTS HAVE BEEN MADE TO
13 IDENTIFY A SUPPORTIVE ADULT.

14 (III) THE COUNTY AGENCY SHALL DOCUMENT:

15 (A) A COMPELLING REASON THAT IT WOULD NOT BE
16 BEST SUITED TO THE SAFETY, PROTECTION AND PHYSICAL,
17 MENTAL AND MORAL WELFARE OF THE CHILD TO BE RETURNED
18 TO THE CHILD'S PARENT, GUARDIAN OR CUSTODIAN, TO BE
19 PLACED FOR ADOPTION, TO BE PLACED WITH A LEGAL
20 CUSTODIAN OR TO BE PLACED WITH A FIT AND WILLING
21 RELATIVE.

22 (B) ITS INTENSIVE, ONGOING AND, AS OF THE DATE
23 OF THE HEARING, UNSUCCESSFUL EFFORTS TO RETURN THE
24 CHILD TO THE CHILD'S PARENT, GUARDIAN OR CUSTODIAN OR
25 TO BE PLACED FOR ADOPTION, TO BE PLACED WITH A LEGAL
26 CUSTODIAN OR TO BE PLACED WITH A FIT AND WILLING
27 RELATIVE.

28 (C) ITS EFFORTS TO UTILIZE SEARCH TECHNOLOGY TO
29 FIND BIOLOGICAL FAMILY MEMBERS FOR THE CHILD.

30 (IV) THE COURT SHALL:

1 (A) ASK THE CHILD ABOUT THE DESIRED PERMANENCY
2 GOAL FOR THE CHILD.

3 (B) MAKE A JUDICIAL DETERMINATION EXPLAINING
4 WHY, AS OF THE DATE OF THE HEARING, ANOTHER PLANNED
5 PERMANENT LIVING ARRANGEMENT IS THE BEST PERMANENCY
6 PLAN FOR THE CHILD.

7 (C) PROVIDE COMPELLING REASONS WHY IT CONTINUES
8 NOT TO BE IN THE BEST INTERESTS OF THE CHILD TO
9 RETURN TO THE CHILD'S PARENT, GUARDIAN OR CUSTODIAN,
10 BE PLACED FOR ADOPTION, BE PLACED WITH A LEGAL
11 CUSTODIAN OR BE PLACED WITH A FIT AND WILLING
12 RELATIVE.

13 (D) MAKE FINDINGS THAT THE SIGNIFICANT
14 CONNECTION IS IDENTIFIED IN THE PERMANENCY PLAN OR
15 THAT EFFORTS HAVE BEEN MADE TO IDENTIFY A SUPPORTIVE
16 ADULT, IF NO ONE IS CURRENTLY IDENTIFIED.

17 * * *

18 SECTION 31. THE DEPARTMENT OF HUMAN SERVICES OF THE
19 COMMONWEALTH SHALL CONDUCT A STUDY TO ANALYZE AND MAKE
20 RECOMMENDATIONS ON THE PERMANENCY GOAL OF ANOTHER PLANNED
21 PERMANENT LIVING ARRANGEMENT FOR CHILDREN 16 YEARS OF AGE OR
22 OLDER. THE FOLLOWING APPLY:

23 (1) THE STUDY SHALL INCLUDE RECOMMENDATIONS ON ALL OF
24 THE FOLLOWING:

25 (I) STRATEGIES TO REDUCE THE USE OF OR ELIMINATE THE
26 USE OF THE PERMANENCY GOAL OF ANOTHER PLANNED PERMANENT
27 LIVING ARRANGEMENT.

28 (II) OTHER PERMANENCY GOAL OPTIONS FOR CHILDREN.

29 (III) EXPECTED OUTCOMES FOR CHILDREN BY THE
30 REDUCTION OF OR THE ELIMINATION OF ANOTHER PLANNED

1 PERMANENT LIVING ARRANGEMENT AS A PERMANENCY GOAL.

2 (IV) A TIMELINE TO ACHIEVE THE STRATEGIES SET FORTH
3 UNDER SUBPARAGRAPH (I).

4 (2) IN CONDUCTING THE STUDY, THE DEPARTMENT OF HUMAN
5 SERVICES SHALL CONVENE A WORK GROUP TO RECEIVE FEEDBACK ON
6 THE POTENTIAL REDUCTION OR ELIMINATION OF THE PERMANENCY GOAL
7 OF ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT. THE WORK
8 GROUP SHALL INCLUDE REPRESENTATIVES FROM THE JUVENILE COURT,
9 GUARDIANS AD LITEM, PARENT ATTORNEYS, COUNTY AGENCIES,
10 PRIVATE CHILDREN AND YOUTH SOCIAL SERVICE AGENCIES,
11 CHILDREN'S ADVOCACY ORGANIZATIONS, THE PENNSYLVANIA YOUTH
12 ADVISORY BOARD AND OTHER APPROPRIATE STAKEHOLDERS AS
13 DETERMINED BY THE SECRETARY OF HUMAN SERVICES.

14 (3) THE DEPARTMENT OF HUMAN SERVICES SHALL, WITHIN FOUR
15 MONTHS OF ENACTMENT OF THIS SECTION, REPORT THE STUDY'S
16 FINDINGS AND MAKE ITS RECOMMENDATIONS TO:

17 (I) THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE
18 JUDICIARY COMMITTEE OF THE SENATE.

19 (II) THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE
20 AGING AND YOUTH COMMITTEE OF THE SENATE.

21 (III) THE CHAIRPERSON AND MINORITY CHAIRPERSON OF
22 THE JUDICIARY COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

23 (IV) THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE
24 CHILDREN AND YOUTH COMMITTEE OF THE HOUSE OF
25 REPRESENTATIVES.

26 Section ~~28~~ 32. This act shall take effect ~~immediately~~. AS <--
27 FOLLOWS:

28 (1) THE FOLLOWING SHALL TAKE EFFECT JANUARY 1, 2016, OR
29 IMMEDIATELY, WHICHEVER IS LATER:

30 (I) THE ADDITION OF 23 PA.C.S. CH. 57.

1 (II) THE AMENDMENT OR ADDITION OF 42 PA.C.S. §§ 6302
2 AND 6351 (E) (1), (F) (8) AND (12) AND (F.1) (5).
3 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT
4 IMMEDIATELY.