

CHAPTER 75  
SB 11 – FINAL VERSION

05/07/2015 1433EBA

2015 SESSION

15-0156  
05/10

SENATE BILL ***11***

AN ACT recodifying the Uniform Interstate Family Support Act.

SPONSORS: Sen. Reagan, Dist 17

COMMITTEE: Judiciary

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ANALYSIS

This bill recodifies RSA 546-B based on the 2008 amendments to the Uniform Interstate Family Support Act.

The bill is a request of the department of health and human services.

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Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struck through~~].  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Fifteen*

AN ACT                   recodifying the Uniform Interstate Family Support Act.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1           75:1 Uniform Interstate Family Support Act. RSA 546-B is repealed and reenacted to read as  
2 follows:

CHAPTER 546-B

UNIFORM INTERSTATE FAMILY SUPPORT ACT

ARTICLE 1

GENERAL PROVISIONS

7           546-B:1 Definitions. In this chapter:

8           I. “Child” means an individual, whether over or under the age of majority, who is or is  
9 alleged to be owed a duty of support by the individual’s parent or who is or is alleged to be the  
10 beneficiary of a support order directed to the parent or another obligee.

11           II. “Child support order” means a support order for a child, including a child who has  
12 attained the age of majority under the law of the issuing state or foreign country.

13           III. “Convention” means the Convention on the International Recovery of Child Support and  
14 Other Forms of Family Maintenance, concluded at The Hague on November 23, 2007.

15           IV. “Duty of support” means an obligation imposed or imposed by law to provide support  
16 for a child, spouse, or former spouse, including an unsatisfied obligation to provide support.

17           V. “Foreign country” means a country, including a political subdivision thereof, other than  
18 the United States, that authorizes the issuance of support orders and:

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

21                   (b) Which has established a reciprocal arrangement for child support with this state as  
22 provided in RSA 546-B:19;

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

25                   (d) In which the Convention is in force with respect to the United States.

26           VI. “Foreign support order” means a support order of a foreign tribunal.

27           VII. “Foreign tribunal” means a court, administrative agency, or quasi-judicial entity of a  
28 foreign country which is authorized to establish, enforce, or modify support orders or to determine  
29 parentage of a child. The term includes a competent authority under the Convention.

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

6 IX. “Income” includes earnings or other periodic entitlements to money from any source  
7 and/or any other property subject to withholding for support under the law of this state.

8 X. “Income-withholding order” means an order or other legal process, or a notice pursuant to  
9 RSA 458-B:6 directed to an obligor’s employer, as defined by RSA 458-B:1, V, to withhold support  
10 from the income of the obligor.

11 XI. “Initiating tribunal” means the tribunal of a state or foreign country from which a  
12 petition or comparable pleading is forwarded or in which a petition or comparable pleading is filed  
13 for forwarding to another state or foreign country.

14 XII. “Issuing foreign country” means the foreign country in which a tribunal issues a support  
15 order or a judgment determining parentage of a child.

16 XIII. “Issuing state” means the state in which a tribunal issues a support order or a  
17 judgment determining parentage of a child.

18 XIV. “Issuing tribunal” means the tribunal of a state or foreign country that issues a support  
19 order or a judgment determining parentage of a child.

20 XV. “Law” includes decisional and statutory law and rules and regulations having the force  
21 of law.

22 XVI. “Obligee” means:

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

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

28 (c) An individual seeking a judgment determining parentage of the individual’s child; or

29 (d) A person that is a creditor in a proceeding under Article 7.

30 XVII. “Obligor” means an individual or the estate of a decedent that:

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

32 (b) Is alleged, but has not been adjudicated, to be a parent of a child;

33 (c) Is liable under a support order; or

34 (d) Is a debtor in a proceeding under Article 7.

35 XVIII. “Outside this state” means a location in another state or a country other than the  
36 United States, whether or not the country is a foreign country.

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1           XIX. “Person” means an individual, corporation, business trust, estate, trust, partnership,  
2 limited liability company, association, joint venture, public corporation, government or governmental  
3 subdivision, agency, or instrumentality, or any other legal or commercial entity.

4           XX. “Record” means information that is inscribed on a tangible medium or that is stored in  
5 an electronic or other medium and is retrievable in perceivable form.

6           XXI. “Register” means to file in a tribunal of this state a support order or judgment  
7 determining parentage of a child issued in another state or foreign country.

8           XXII. “Registering tribunal” means a tribunal in which a support order or judgment  
9 determining parentage of a child is registered.

10          XXIII. “Responding state” means a state in which a petition or comparable pleading for  
11 support or to determine parentage of a child is filed or to which a petition or comparable pleading is  
12 forwarded for filing from another state or a foreign country.

13          XXIV. “Responding tribunal” means the authorized tribunal in a responding state or foreign  
14 country.

15          XXV. “Spousal support order” means a support order for a spouse or former spouse of the  
16 obligor.

17          XXVI. “State” means a state of the United States, the District of Columbia, Puerto Rico, the  
18 United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the  
19 United States. The term includes an Indian nation or tribe.

20          XXVII. “Support enforcement agency” means a public official or governmental entity, or  
21 private agency authorized to:

- 22           (a) Seek enforcement of support orders or laws relating to the duty of support;
- 23           (b) Seek establishment or modification of child support;
- 24           (c) Request determination of parentage of a child;
- 25           (d) Attempt to locate obligors or their assets; or
- 26           (e) Request determination of the controlling child support order.

27          XXVIII. “Support order” means a judgment, decree, order, decision, or directive, whether  
28 temporary, final, or subject to modification, issued in a state or foreign country for the benefit of a  
29 child, a spouse, or a former spouse, which provides for monetary support, health care, arrearages,  
30 retroactive support, or reimbursement for financial assistance provided to an individual obligee in  
31 place of child support. The term may include related costs and fees, interest, income withholding,  
32 automatic adjustment, reasonable attorney’s fees, and other relief.

33          XXIX. “Tribunal” means a court, administrative agency, or quasi-judicial entity authorized  
34 to establish, enforce, or modify support orders or to determine parentage of a child.

35          546-B:1-a State Tribunal and Support Enforcement Agency.

36           I. The circuit court, the department of health and human services, or a combination, are the

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1 tribunals of this state.

2 II. The department of health and human services, division of child support services, is the  
3 support enforcement agency of this state.

4 546-B:2 Remedies Cumulative.

5 I. Remedies provided by this chapter are cumulative and do not affect the availability of  
6 remedies under other law, or the recognition of a support order, on the basis of comity.

7 II. This chapter does not:

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

10 (b) Grant a tribunal of this state jurisdiction to render judgment or issue an order  
11 relating to child custody or parenting time in a proceeding under this chapter.

12 546-B:2-a Application of Chapter to Resident of Foreign Country and Foreign Support  
13 Proceeding.

14 I. A tribunal of this state shall apply Articles 1 through 6 and, as applicable, Article 7, to a  
15 support proceeding involving:

16 (a) A foreign support order;

17 (b) A foreign tribunal; or

18 (c) An obligee, obligor, or child residing in a foreign country.

19 II. A tribunal of this state that is requested to recognize and enforce a support order on the  
20 basis of comity may apply the procedural and substantive provisions of Articles 1 through 6.

21 III. Article 7 applies only to a support proceeding under the Convention. In such a  
22 proceeding, if a provision of Article 7 is inconsistent with Articles 1 through 6, Article 7 controls.

23 **ARTICLE 2**

24 **JURISDICTION**

25 546-B:3 Bases for Jurisdiction Over Nonresident.

26 I. In a proceeding to establish or enforce a support order or to determine parentage of a  
27 child, a tribunal of this state may exercise personal jurisdiction over a nonresident individual or the  
28 individual's guardian or conservator if:

29 (a) The individual is personally served with notice within this state;

30 (b) The individual submits to the jurisdiction of this state by consent in a record, by  
31 entering a general appearance, or by filing a responsive document having the effect of waiving any  
32 contest to personal jurisdiction;

33 (c) The individual resided with the child in this state;

34 (d) The individual resided in this state and provided prenatal expenses or support for the  
35 child;

36 (e) The child resides in this state as a result of the acts or directives of the individual;

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1           (f) The individual engaged in sexual intercourse in this state and the child may have  
2 been conceived by that act of intercourse;

3           (g) The individual asserted parentage of a child in the putative father registry  
4 maintained in this state by the department of health and human services; or

5           (h) There is any other basis consistent with the constitutions of this state and the  
6 United States for the exercise of personal jurisdiction.

7           II. The bases of personal jurisdiction set forth in paragraph I or in any other law of this state  
8 may not be used to acquire personal jurisdiction for a tribunal of this state to modify a child support  
9 order of another state unless the requirements of RSA 546-B:49 are met, or in the case of a foreign  
10 support order, unless the requirement of 546-B:52-a are met.

11           546-B:4 Duration of Personal Jurisdiction. Personal jurisdiction acquired by a tribunal of this  
12 state in a proceeding under this chapter or other law of this state relating to a support order continues  
13 as long as a tribunal of this state has continuing exclusive jurisdiction to modify its order or continuing  
14 jurisdiction to enforce its order as provided by RSA 546-B:7, RSA 546-B:8, and RSA 546-B:11-b.

15           546-B:5 Initiating and Responding Tribunal of This State. Under this chapter, a tribunal of this  
16 state may serve as an initiating tribunal to forward proceedings to a tribunal of another state, and as  
17 a responding tribunal for proceedings initiated in another state or a foreign country.

18           546-B:6 Simultaneous Proceedings.

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

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

25           (b) The contesting party timely challenges the exercise of jurisdiction in the other state  
26 or foreign country; and

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

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

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

34           (b) The contesting party timely challenges the exercise of jurisdiction in this state; and

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

36           546-B:7 Continuing, Exclusive Jurisdiction To Modify Child Support Order.

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

4           (a) At the time of the filing of a request for modification this state is the residence of the  
5 obligor, the individual obligee, or the child for whose benefit the support order is issued; or

6           (b) Even if this state is not the residence of the obligor, the individual obligee, or the  
7 child for whose benefit the support order is issued, the parties consent in a record or in open court  
8 that the tribunal of this state may continue to exercise jurisdiction to modify its order.

9           II. A tribunal of this state that has issued a child support order consistent with the law of  
10 this state may not exercise continuing exclusive jurisdiction to modify the order if:

11           (a) All of the parties who are individuals file consent in a record with the tribunal of this  
12 state that a tribunal of another state that has jurisdiction over at least one of the parties who is an  
13 individual or that is located in the state of residence of the child may modify the order and assume  
14 continuing, exclusive jurisdiction; or

15           (b) Its order is not the controlling order.

16           III. If a tribunal of another state has issued a child support order pursuant to the Uniform  
17 Interstate Family Support Act or a law substantially similar to that act, which modifies a child  
18 support order of a tribunal of this state, tribunals of this state shall recognize the continuing,  
19 exclusive jurisdiction of the tribunal of the other state.

20           IV. A tribunal of this state that lacks continuing, exclusive jurisdiction to modify a child  
21 support order may serve as an initiating tribunal to request a tribunal of another state to modify a  
22 support order issued in that state.

23           V. A temporary support order issued ex parte or pending resolution of a jurisdictional  
24 conflict does not create continuing, exclusive jurisdiction in the issuing tribunal.

25           546-B:8 Continuing Jurisdiction to Enforce Child Support Order.

26           I. A tribunal of this state that has issued a child support order consistent with the law of this  
27 state may serve as an initiating tribunal to request a tribunal of another state to enforce:

28           (a) The order if the order is the controlling order and has not been modified by a  
29 tribunal of another state that assumed jurisdiction pursuant to the Uniform Interstate Family  
30 Support Act; or

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

33           II. A tribunal of this state having continuing jurisdiction over a support order may act as a  
34 responding tribunal to enforce the order.

35           546-B:9 Determination of Controlling Child Support Order.

36           I. If a proceeding is brought under this chapter, and only one tribunal has issued a child

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1 support order, the order of that tribunal controls and must be so recognized.

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

7 (a) If only one of the tribunals would have continuing, exclusive jurisdiction under this  
8 chapter, the order of that tribunal controls.

9 (b) If more than one of the tribunals would have continuing, exclusive jurisdiction under  
10 this chapter:

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

12 (2) If an order has not been issued in the current home state of the child, the order  
13 most recently issued controls.

14 (c) If none of the tribunals would have continuing, exclusive jurisdiction under this  
15 chapter, the tribunal of this state shall issue a child support order, which controls.

16 III. If 2 or more child support orders have been issued for the same obligor and same child,  
17 upon request of a party who is an individual or that is a support enforcement agency, a tribunal of  
18 this state having personal jurisdiction over both the obligor and the obligee who is an individual  
19 shall determine which order controls under paragraph II. The request may be filed with a  
20 registration for enforcement or registration for modification pursuant to Article 6, or may be filed as  
21 a separate proceeding.

22 IV. A request to determine which is the controlling order must be accompanied by a copy of  
23 every child support order in effect and the applicable record of payments. The requesting party shall  
24 give notice of the request to each party whose rights may be affected by the determination.

25 V. The tribunal that issued the controlling order under paragraph I, II, or III has continuing  
26 jurisdiction to the extent provided in RSA 546-B:7 or RSA 546-B:8.

27 VI. A tribunal of this state that determines by order which is the controlling order under  
28 subparagraph II(a) or (b), or paragraph III, or that issues a new controlling order under  
29 subparagraph II(c) shall state in that order:

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

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

32 (c) The total amount of consolidated arrears and accrued interest, if any, under all of the  
33 orders after all payments made are credited as provided by RSA 546-B:11.

34 VII. Within 30 days after issuance of the order determining which is the controlling order, the  
35 party obtaining the order shall file a certified copy of it in each tribunal that issued or registered an  
36 earlier order of child support. A party or support enforcement agency obtaining the order that fails to

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1 file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file  
2 arises. The failure to file does not affect the validity or enforceability of the controlling order.

3 VIII. An order that has been determined to be the controlling order, or a judgment for  
4 consolidated arrears of support or interest, if any, made pursuant to this section must be recognized  
5 in proceedings under this chapter.

6 546-B:10 Child Support Orders for 2 or More Obligees. In responding to registrations or  
7 petitions for enforcement of 2 or more child support orders in effect at the same time with regard to  
8 the same obligor and different individual obligees, at least one of which was issued by a tribunal of  
9 another state or a foreign country, a tribunal of this state shall enforce those orders in the same  
10 manner as if the orders had been issued by a tribunal of this state.

11 546-B:11 Credit for Payments. A tribunal of this state shall credit amounts collected for a  
12 particular period pursuant to any child support order against the amounts owed for the same period  
13 under any other child support order for support of the same child issued by a tribunal of this state,  
14 another state, or a foreign country.

15 546-B:11-a Application of This Chapter to Nonresident Subject to Personal Jurisdiction. A  
16 tribunal of this state exercising personal jurisdiction over a nonresident in a proceeding under this  
17 chapter, under other law of this state relating to a support order, or recognizing a foreign support  
18 order may receive evidence from outside this state pursuant to RSA 546-B:27, communicate with a  
19 tribunal outside this state pursuant to RSA 546-B:28, and obtain discovery through a tribunal  
20 outside this state pursuant to RSA 546-B:29. In all other respects, Articles 3 through 6 do not apply,  
21 and the tribunal shall apply the procedural and substantive law of this state.

22 546-B:11-b Continuing, Exclusive Jurisdiction to Modify Spousal Support Order.

23 I. A tribunal of this state issuing a spousal support order consistent with the law of this  
24 state has continuing, exclusive jurisdiction to modify the spousal support order throughout the  
25 existence of the support obligation.

26 II. A tribunal of this state may not modify a spousal support order issued by a tribunal of  
27 another state or a foreign country having continuing, exclusive jurisdiction over that order under the  
28 law of that state or foreign country.

29 III. A tribunal of this state that has continuing, exclusive jurisdiction over a spousal support  
30 order may serve as:

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

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

ARTICLE 3

CIVIL PROVISIONS OF GENERAL APPLICATION

34  
35  
36 546-B:12 Proceedings Under This Chapter.

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1           I. Except as otherwise provided in this chapter, this article applies to all proceedings under  
2 this chapter.

3           II. An individual petitioner or a support enforcement agency may initiate a proceeding  
4 authorized under this chapter by filing a petition in an initiating tribunal for forwarding to a  
5 responding tribunal or by filing a petition or a comparable pleading directly in a tribunal of another  
6 state or foreign country which has or can obtain personal jurisdiction over the respondent.

7           546-B:13 Proceeding by Minor Parent. A minor parent, or a guardian or other legal representative of  
8 a minor parent, may maintain a proceeding on behalf of or for the benefit of the minor's child.

9           546-B:14 Application of Law of This State. Except as otherwise provided in this chapter, a  
10 responding tribunal of this state shall:

11           I. Apply the procedural and substantive law, generally applicable to similar proceedings  
12 originating in this state and may exercise all powers and provide all remedies available in those  
13 proceedings; and

14           II. Determine the duty of support and the amount payable in accordance with the law and  
15 support guidelines of this state.

16           546-B:15 Duties of Initiating Tribunal.

17           I. Upon the filing of a petition authorized by this chapter, an initiating tribunal of this state  
18 shall forward the petition and its accompanying documents:

19           (a) To the responding tribunal or appropriate support enforcement agency in the  
20 responding state; or

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

24           II. If requested by the responding tribunal, a tribunal of this state shall issue a  
25 certificate or other documents and make findings required by the law of the responding state. If  
26 the responding tribunal is in a foreign country, upon request the tribunal of this state shall  
27 specify the amount of support sought, convert that amount into the equivalent amount in the  
28 foreign currency under applicable official or market exchange rate as publicly reported, and  
29 provide any other documents necessary to satisfy the requirements of the responding foreign  
30 tribunal.

31           546-B:16 Duties and Powers of Responding Tribunal.

32           I. When a responding tribunal of this state receives a petition or comparable pleading from  
33 an initiating tribunal or directly pursuant to RSA 546-B:12, II, it shall cause the petition or pleading  
34 to be filed and notify the petitioner where and when it was filed.

35           II. A responding tribunal of this state, to the extent not prohibited by other law, may do one  
36 or more of the following:

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1           (a) Issue or enforce a support order, modify a child support order, determine the  
2 controlling child support order, or determine parentage;

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

5           (c) Order income withholding;

6           (d) Determine the amount of any arrearages, and specify a method of payment;

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

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

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

10          (h) Order an obligor to keep the tribunal informed of the obligor's current residential  
11 address, telephone number, employer, address of employment, and telephone number at the place of  
12 employment;

13          (i) Issue a capias for an obligor who has failed after proper notice to appear at a hearing  
14 ordered by the tribunal and enter the capias in any local and state computer systems for criminal  
15 warrants;

16          (j) Order the obligor to seek appropriate employment by specified methods;

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

18          (l) Grant any other available remedy.

19          III. A responding tribunal of this state shall include in a support order issued under this  
20 chapter, or in the documents accompanying the order, the calculations on which the support order is  
21 based.

22          IV. A responding tribunal of this state may not condition the payment of a support order  
23 issued under this chapter upon compliance by a party with provisions for visitation.

24          V. If a responding tribunal of this state issues an order under this chapter, the tribunal shall  
25 send a copy of the order to the petitioner and the respondent and to the initiating tribunal, if any.

26          VI. If requested to enforce a support order, arrears, or judgment or modify a support order  
27 stated in a foreign currency, a responding tribunal of this state shall convert the amount stated in  
28 the foreign currency to the equivalent amount in dollars under the applicable official or market  
29 exchange rate as publicly reported.

30          546-B:17 Inappropriate Tribunal. If a petition or comparable pleading is received by an  
31 inappropriate tribunal of this state, the tribunal shall forward the pleading and accompanying  
32 documents to an appropriate tribunal in this state or another state and notify the petitioner where  
33 and when the pleading was sent.

34          546-B:18 Duties of Support Enforcement Agency.

35          I. In a proceeding under this chapter, a support enforcement agency of this state, upon  
36 request:

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1 (a) Shall provide services to a petitioner residing in a state;

2 (b) Shall provide services to a petitioner requesting services through a central authority  
3 of a foreign country as described in RSA 546-B:1, V(a) or (d); and

4 (c) May provide services to a petitioner who is an individual not residing in a state.

5 II. A support enforcement agency of this state that is providing services to the petitioner shall:

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

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

9 (c) Make a reasonable effort to obtain all relevant information, including information as  
10 to income and property of the parties;

11 (d) Within 10 days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of  
12 notice in a record from an initiating, responding, or registering tribunal, send a copy of the notice to  
13 the petitioner;

14 (e) Within 10 days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of  
15 communication in a record from the respondent or the respondent's attorney, send a copy of the  
16 communication to the petitioner; and

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

18 III. A support enforcement agency of this state that requests registration of a child support  
19 order in this state for enforcement or for modification shall make reasonable efforts:

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

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

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

28 V. A support enforcement agency of this state shall issue or request a tribunal of this state to  
29 issue a child support order and an income withholding order that redirect payment of current  
30 support, arrears, and interest if requested to do so by a support enforcement agency of another state  
31 pursuant to RSA 546-B:30.

32 VI. This chapter does not create or negate a relationship of attorney and client or other  
33 fiduciary relationship between a support enforcement agency or the attorney for the agency and the  
34 individual being assisted by the agency.

35 546-B:19 Duty of Attorney General.

36 I. If the attorney general determines that the support enforcement agency is neglecting or

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

3 II. The department of health and human services, division of child support services, may  
4 determine that a foreign country or political subdivision has established a reciprocal arrangement for  
5 child support with this state and take appropriate action for notification of the determination.

6 546-B:20 Private Counsel. An individual may employ private counsel to represent the individual  
7 in proceedings authorized by this chapter.

8 546-B:21 Duties of State Information Agency.

9 I. The department of health and human services, division of child support services is the  
10 state information agency under this chapter.

11 II. The state information agency shall:

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

15 (b) Maintain a register of names and addresses of tribunals and support enforcement  
16 agencies of other states;

17 (c) Forward to the appropriate tribunal in the county in this state in which the obligee  
18 who is an individual or the obligor resides, or in which the obligor's property is believed to be located,  
19 all documents concerning a proceeding under this chapter received from another state or a foreign  
20 country; and

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

27 546-B:22 Pleadings and Accompanying Documents.

28 I. In a proceeding under this chapter, a petitioner seeking to establish a support order, or to  
29 determine parentage of a child, or to register and modify a support order of a tribunal of another  
30 state or a foreign country must file a petition. Unless otherwise ordered under RSA 546-B:23, the  
31 petition or accompanying documents shall provide, so far as known, the name, residential address,  
32 and social security numbers of the obligor and the obligee or the parent and alleged parent, and the  
33 name, sex, residential address, social security number, and date of birth of each child for whose  
34 benefit support is sought or whose parentage is to be determined. Unless filed at the time of  
35 registration, the petition shall be accompanied by a copy of any support order known to have been  
36 issued by another tribunal. The petition may include any other information that may assist in

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1 locating or identifying the respondent.

2 II. The petition shall specify the relief sought. The petition and accompanying documents  
3 shall conform substantially with the requirements imposed by the forms mandated by federal law for  
4 use in cases filed by a support enforcement agency.

5 546-B:23 Nondisclosure of Information in Exceptional Circumstances. If a party alleges in an  
6 affidavit or a pleading under oath that the health, safety, or liberty of a party or child would be  
7 jeopardized by disclosure of specific identifying information, that information must be sealed and  
8 may not be disclosed to the other party or the public. After a hearing in which a tribunal takes into  
9 consideration the health, safety, or liberty of the party or child, the tribunal may order disclosure of  
10 information that the tribunal determines to be in the interest of justice.

11 546-B:24 Costs and Fees.

12 I. The petitioner may not be required to pay a filing fee or other costs.

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

21 III. The tribunal shall order the payment of costs and reasonable attorney's fees if it  
22 determines that a hearing was requested primarily for delay. In a proceeding under Article 6, a  
23 hearing is presumed to have been requested primarily for delay if a registered support order is  
24 confirmed or enforced without change.

25 546-B:25 Limited Immunity of Petitioner.

26 I. Participation by a petitioner in a proceeding under this chapter before a responding  
27 tribunal, whether in person, by private attorney, or through services provided by the support  
28 enforcement agency, does not confer personal jurisdiction over the petitioner in another  
29 proceeding.

30 II. A petitioner is not amenable to service of civil process while physically present in this  
31 state to participate in a proceeding under this chapter.

32 III. The immunity granted by this section does not extend to civil litigation based on acts  
33 unrelated to a proceeding under this chapter committed by a party while present in this state to  
34 participate in the proceeding.

35 546-B:26 Nonparentage as Defense. A party whose parentage of a child has been previously  
36 determined by or pursuant to law may not plead nonparentage as a defense to a proceeding under

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1 this chapter.

2 546-B:27 Special Rules of Evidence and Procedure.

3 I. The physical presence of a nonresident party who is an individual in a tribunal of this  
4 state is not required for the establishment, enforcement, or modification of a support order or the  
5 rendition of a judgment determining parentage of a child.

6 II. An affidavit, a document substantially complying with federally mandated forms, or a  
7 document incorporated by reference in any of them, which would not be excluded under the hearsay  
8 rule if given in person, is admissible in evidence if given under penalty of perjury by a party or  
9 witness residing outside this state.

10 III. A copy of the record of child support payments certified as a true copy of the original by  
11 the custodian of the record may be forwarded to a responding tribunal. The copy is evidence of facts  
12 asserted in it, and is admissible to show whether payments were made.

13 IV. Copies of bills for testing for parentage of a child, and for prenatal and postnatal health  
14 care of the mother and child, furnished to the adverse party at least 10 days before trial, are  
15 admissible in evidence to prove the amount of the charges billed and that the charges were  
16 reasonable, necessary, and customary.

17 V. Documentary evidence transmitted from outside this state to a tribunal of this state by  
18 telephone, telecopier, or other electronic means that do not provide an original may not be excluded  
19 from evidence on an objection based on the means of transmission.

20 VI. In a proceeding under this chapter, a tribunal of this state shall permit a party or  
21 witness residing outside this state to be deposed or to testify by telephone, audiovisual means, or  
22 other electronic means at a designated tribunal or other location. A tribunal of this state shall  
23 cooperate with other tribunals in designating an appropriate location for the deposition or testimony.

24 VII. If a party called to testify at a civil hearing refuses to answer on the ground that the  
25 testimony may be self-incriminating, the trier of fact may draw an adverse inference from the  
26 refusal.

27 VIII. A privilege against disclosure of communications between spouses does not apply in a  
28 proceeding under this chapter.

29 IX. The defense of immunity based on the relationship of husband and wife or parent and  
30 child does not apply in a proceeding under this chapter.

31 X. A voluntary acknowledgment of paternity, certified as a true copy, is admissible to  
32 establish parentage of the child.

33 546-B:28 Communications Between Tribunals. A tribunal of this state may communicate with a  
34 tribunal outside this state in a record, or by telephone, electronic mail, or other means, to obtain  
35 information concerning the laws, the legal effect of a judgment, decree, or order of that tribunal, and  
36 the status of a proceeding. A tribunal of this state may furnish similar information by similar means

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1 to a tribunal outside this state.

2 546-B:29 Assistance With Discovery. A tribunal of this state may:

3 I. Request a tribunal outside this state to assist in obtaining discovery.

4 II. Upon request, compel a person over which it has jurisdiction to respond to a discovery  
5 order issued by a tribunal outside this state.

6 546-B:30 Receipt and Disbursement of Payments.

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

11 II. If neither the obligor, nor the obligee who is an individual, nor the child resides in this  
12 state, upon request from the support enforcement agency of this state or another state, the  
13 department of health and human services or a tribunal of this state shall:

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

16 (b) Issue and send to the obligor's employer a conforming income withholding order or an  
17 administrative notice of change of payee, reflecting the redirected payments.

18 III. The support enforcement agency of this state receiving redirected payments from  
19 another state pursuant to a law similar to paragraph II shall furnish to a requesting party or  
20 tribunal of the other state a certified statement by the custodian of the record of the amount and  
21 dates of all payments received.

22 ARTICLE 4

23 ESTABLISHMENT OF SUPPORT ORDER  
24 OR DETERMINATION OF PARENTAGE

25 546-B:31 Establishment of Support Order.

26 I. If a support order entitled to recognition under this chapter has not been issued, a responding  
27 tribunal of this state with personal jurisdiction over the parties may issue a support order if:

28 (a) The individual seeking the order resides outside this state; or

29 (b) The support enforcement agency seeking the order is located outside this state.

30 II. The tribunal may issue a temporary child support order if the tribunal determines that  
31 such an order is appropriate and the individual ordered to pay is:

32 (a) A presumed father of the child;

33 (b) Petitioning to have his paternity adjudicated;

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

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

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

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- 1 (f) An acknowledged father as provided by New Hampshire law;  
2 (g) The mother of the child; or  
3 (h) An individual who has been ordered to pay child support in a previous proceeding  
4 and the order has not been reversed or vacated.

5 III. Upon finding, after notice and opportunity to be heard, that an obligor owes a duty of  
6 support, the tribunal shall issue a support order directed to the obligor and may issue other orders  
7 pursuant to RSA 546-B:16.

8 546-B:31-a Proceeding to Determine Parentage. A tribunal of this state authorized to determine  
9 parentage of a child may serve as a responding tribunal in a proceeding to determine parentage of a  
10 child brought under this chapter or a law or procedure substantially similar to this chapter.

11 **ARTICLE 5**

12 **ENFORCEMENT OF SUPPORT ORDER WITHOUT REGISTRATION**

13 546-B:32 Employer's Receipt of Income-Withholding Order of Another State. An income-  
14 withholding order issued in another state may be sent by or on behalf of the obligee, or by the  
15 support enforcement agency, to the person defined as the obligor's employer, under RSA 458-B,  
16 without first filing a petition or comparable pleading or registering the order with a tribunal of this  
17 state.

18 546-B:33 Employer's Compliance With Income-Withholding Order of Another State.

19 I. Upon receipt of an income-withholding order, the obligor's employer shall immediately  
20 provide a copy of the order to the obligor.

21 II. The employer shall treat an income-withholding order issued in another state which  
22 appears regular on its face as if it had been issued by a tribunal of this state.

23 III. Except as otherwise provided by paragraph IV and RSA 546-B:34, the employer shall  
24 withhold and distribute the funds as directed in the withholding order by complying with the terms  
25 of the order which specify:

26 (a) The duration and the amount of periodic payments of current child support, stated as  
27 a sum certain;

28 (b) The person designated to receive payments and the address to which the payments  
29 are to be forwarded;

30 (c) Medical support, whether in the form of periodic cash payment, stated as a sum  
31 certain, or ordering the obligor to provide health insurance coverage for the child under a policy  
32 available through the obligor's employment;

33 (d) The amount of periodic payments of fees and costs for a support enforcement agency,  
34 the issuing tribunal, and the obligee's attorney, stated as sums certain; and

35 (e) The amount of periodic payments of arrearages and interest on arrearages, stated as  
36 sums certain.

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1           IV. The employer shall comply with the law of the state of the obligor's principal place of  
2 employment for withholding from income with respect to:

3           (a) The employer's fee for processing an income-withholding order;

4           (b) The maximum amount permitted to be withheld from the obligor's income;

5           (c) The time periods within which the employer must implement the withholding order  
6 and forward the child support payment.

7           546-B:34 Employer's Compliance With 2 or More Income-Withholding Orders. If the obligor's  
8 employer receives 2 or more income-withholding orders with respect to the earnings of the same  
9 obligor, the employer satisfies the terms of the orders if the employer complies with the law of the  
10 state of the obligor's principal place of employment to establish the priorities for withholding and  
11 allocating income withheld for 2 or more child support obligees.

12           546-B:35 Immunity From Civil Liability. An employer who complies with an income-  
13 withholding order issued in another state in accordance with this article is not subject to civil  
14 liability to an individual or agency with regard to the employer's withholding child support from the  
15 obligor's income.

16           546-B:36 Penalties for Noncompliance. An employer that willfully fails to comply with an  
17 income-withholding order issued in another state and received for enforcement is subject to the same  
18 penalties that may be imposed for noncompliance with an order issued by a tribunal of this state.

19           546-B:37 Contest by Obligor.

20           I. An obligor may contest the validity of enforcement of an income-withholding order issued  
21 in another state and received directly by an employer in this state by registering the order in a  
22 tribunal of this state and filing a contest to that order as provided in Article 6, or otherwise  
23 contesting the order in the same manner as if the order had been issued by a tribunal of this state.

24           II. The obligor shall give notice of the contest to:

25           (a) A support enforcement agency providing services to the obligee;

26           (b) Each employer which has directly received an income-withholding order relating to  
27 the obligor; and

28           (c) The person designated to receive payments in the income-withholding order; or if no  
29 person is designated, to the obligee.

30           546-B:38 Administrative Enforcement of Orders.

31           I. A party or support enforcement agency seeking to enforce a support order or an income-  
32 withholding order, or both, issued in another state or a foreign support order may send the  
33 documents required for registering the order to a support enforcement agency of this state.

34           II. Upon receipt of the documents, the support enforcement agency, without initially seeking  
35 to register the order, shall consider and, if appropriate, use any administrative procedure authorized  
36 by the law of this state to enforce a support order or an income-withholding order, or both. If the

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1 obligor does not contest administrative enforcement, the order need not be registered. If the obligor  
2 contests the validity or administrative enforcement of the order, the support enforcement agency  
3 shall register the order pursuant to this chapter.

4 **ARTICLE 6**

5 **REGISTRATION, ENFORCEMENT, AND MODIFICATION OF SUPPORT ORDER**

6 **Part 1**

7 **Registration for Enforcement of Support Order**

8 546-B:39 Registration of Order for Enforcement. A support order or income-withholding order  
9 issued in another state or a foreign support order may be registered in this state for enforcement.

10 546-B:40 Procedure to Register Order for Enforcement.

11 I. Except as provided in RSA 546-B:53-e, a support order or income-withholding order of  
12 another state or a foreign support order may be registered in this state by sending the following  
13 records to the appropriate tribunal in this state:

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

15 (b) Two copies, including one certified copy, of the order to be registered, including any  
16 modification of the order;

17 (c) A sworn statement by the person requesting registration or a certified statement by  
18 the custodian of the records showing the amount of any arrearage;

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

20 (1) The obligor's address and social security number;

21 (2) The name and address of the obligor's employer and any other source of income of  
22 the obligor; and

23 (3) A description and the location of property of the obligor in this state not exempt  
24 from execution; and

25 (e) Except as otherwise provided in RSA 546-B:23, the name and address of the obligee  
26 and, if applicable, the person to whom support payments are to be remitted.

27 II. On receipt of a request for registration, the registering tribunal shall cause the order to  
28 be filed as an order of a tribunal of another state or a foreign country, together with one copy of the  
29 documents and information, regardless of their form.

30 III. A petition or comparable pleading seeking a remedy that must be affirmatively sought  
31 under other law of this state may be filed at the same time as the request for registration or later.  
32 The pleading must specify the grounds for the remedy sought.

33 IV. If 2 or more orders are in effect, the person requesting registration shall:

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

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

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

2 V. A request for a determination of which is the controlling order may be filed separately or  
3 with a request for registration and enforcement or for registration and modification. The person  
4 requesting registration shall give notice of the request to each party whose rights may be affected by  
5 the determination.

6 546-B:41 Effect of Registration for Enforcement.

7 I. A support order or income-withholding order issued in another state or a foreign support  
8 order is registered when the order is filed in the registering tribunal of this state.

9 II. A registered support order issued in another state or a foreign country is enforceable in  
10 the same manner and is subject to the same procedures as an order issued by a tribunal of this state.

11 III. Except as otherwise provided in this chapter, a tribunal of this state shall recognize and  
12 enforce, but may not modify, a registered support order if the issuing tribunal had jurisdiction.

13 546-B:42 Choice of Law.

14 I. Except as otherwise provided in paragraph IV, the law of the issuing state or foreign  
15 country governs:

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

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

20 (c) The existence and satisfaction of other obligations under the support order.

21 II. In a proceeding for arrears under a registered support order, the statute of limitation of  
22 this state or of the issuing state or foreign country, whichever is longer, applies.

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

26 IV. After a tribunal of this state or another state determines which is the controlling order  
27 and issues an order consolidating arrears, if any, a tribunal of this state shall prospectively apply the  
28 law of the state or foreign country issuing the controlling order, including its law on interest on  
29 arrears, on current and future support, and on consolidated arrears.

30 Part 2

31 Contest of Validity or Enforcement

32 546-B:43 Notice of Registration of Order.

33 I. When a support order or income-withholding order issued in another state or a foreign  
34 support order is registered, the registering tribunal of this state shall notify the nonregistering  
35 party. The notice must be accompanied by a copy of the registered order and the documents and  
36 relevant information accompanying the order.

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1           II. A notice must inform the nonregistering party:

2           (a) That a registered order is enforceable as of the date of registration in the same  
3 manner as an order issued by a tribunal of this state;

4           (b) That a hearing to contest the validity or enforcement of the registered order must be  
5 requested within 20 days after notice unless the registered order is under RSA 546-B:53-f;

6           (c) That failure to contest the validity or enforcement of the registered order in a timely  
7 manner will result in confirmation of the order and enforcement of the order and the alleged  
8 arrearages; and

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

10          III. If the registering party asserts that 2 or more orders are in effect, a notice must also:

11          (a) Identify the 2 or more orders and the order alleged by the registering party to be the  
12 controlling order and the consolidated arrears, if any;

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

15          (c) State that the procedures provided in paragraph II apply to the determination of  
16 which is the controlling order; and

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

19          IV. Upon registration of an income-withholding order for enforcement, the support  
20 enforcement agency or the registering tribunal shall notify the obligor's employer pursuant to  
21 RSA 458-B.

22           546-B:44 Procedure to Contest Validity or Enforcement of Registered Support Order.

23           I. A nonregistering party seeking to contest the validity or enforcement of a registered order  
24 in this state shall request a hearing within the time required by RSA 546-B:43. The nonregistering  
25 party may seek to vacate the registration, to assert any defense to an allegation of noncompliance  
26 with the registered order, or to contest the remedies being sought or the amount of any alleged  
27 arrearages pursuant to RSA 546-B:45.

28           II. If the nonregistering party fails to contest the validity or enforcement of the registered  
29 support order in a timely manner, the order is confirmed by operation of law.

30           III. If a nonregistering party requests a hearing to contest the validity or enforcement of the  
31 registered order, the registering tribunal shall schedule the matter for hearing and give notice to the  
32 parties of the date, time, and place of the hearing.

33           546-B:45 Contest of Registration or Enforcement.

34           I. A party contesting the validity or enforcement of a registered support order or seeking to  
35 vacate the registration has the burden of proving one or more of the following defenses:

36           (a) The issuing tribunal lacked personal jurisdiction over the contesting party;

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- 1 (b) The order was obtained by fraud;
- 2 (c) The order has been vacated, suspended, or modified by a later order;
- 3 (d) The issuing tribunal has stayed the order pending appeal;
- 4 (e) There is a defense under the law of this state to the remedy sought;
- 5 (f) Full or partial payment has been made;
- 6 (g) The statute of limitation under RSA 546-B:42 precludes enforcement of some or all of
- 7 the alleged arrearages; or
- 8 (h) The alleged controlling order is not the controlling order.

9 II. If a party presents evidence establishing a full or partial defense under paragraph I, a  
10 tribunal may stay enforcement of a registered support order, continue the proceeding to permit  
11 production of additional relevant evidence, and issue other appropriate orders. An uncontested  
12 portion of the registered support order may be enforced by all remedies available under the law of  
13 this state.

14 III. If the contesting party does not establish a defense under paragraph I to the validity or  
15 enforcement of a registered support order, the registering tribunal shall issue an order confirming  
16 the order.

17 546-B:46 Confirmed Order. Confirmation of a registered support order, whether by operation of  
18 law or after notice and hearing, precludes further contest of the order with respect to any matter that  
19 could have been asserted at the time of registration.

20 Part 3

21 Registration and Modification of Child Support Order of Another State

22 546-B:47 Procedure to Register Child Support Order of Another State for Modification. A party  
23 or support enforcement agency seeking to modify, or to modify and enforce, a child support order  
24 issued in another state shall register that order in this state in the same manner provided in RSA  
25 546-B:39 through RSA 546-B:46, if the order has not been registered. A petition for modification  
26 may be filed at the same time as a request for registration, or later. The pleading must specify the  
27 grounds for modification.

28 546-B:48 Effect of Registration for Modification. A tribunal of this state may enforce a child  
29 support order of another state registered for purposes of modification, in the same manner as if the  
30 order had been issued by a tribunal of this state, but the registered order may be modified only if the  
31 requirements of RSA 546-B:49 or RSA 546-B:51 have been met.

32 546-B:49 Modification of Child Support Order of Another State.

33 I. If RSA 546-B:51 does not apply, upon petition a tribunal may modify a child support order  
34 issued in another state which is registered in this state, if, after notice and hearing, the tribunal  
35 finds that:

- 36 (a) The following requirements are met:

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1                   (1) Neither the child, nor the obligee who is an individual, nor the obligor resides in  
2 the issuing state;

3                   (2) A petitioner who is a nonresident of this state seeks modification; and

4                   (3) The respondent is subject to the personal jurisdiction of the tribunal of this state;

5 or

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

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

13                  III. A tribunal of this state may not modify any aspect of a child support order that may not  
14 be modified under the law of the issuing state, including the duration of the obligation of support. If  
15 2 or more tribunals have issued child support orders for the same obligor and same child, the order  
16 that controls and must be so recognized under RSA 546-B:9 establishes the aspects of the support  
17 order which are nonmodifiable.

18                  IV. In a proceeding to modify a child support order, the law of the state that is determined to  
19 have issued the initial controlling order governs the duration of the obligation of support. The  
20 obligor's fulfillment of the duty of support established by that order precludes imposition of a further  
21 obligation of support by a tribunal of this state.

22                  V. On the issuance of an order by a tribunal of this state modifying a child support order  
23 issued in another state, the tribunal of this state becomes the tribunal of continuing, exclusive  
24 jurisdiction.

25                  VI. Notwithstanding paragraphs I-V and RSA 546-B:3, II, a tribunal of this state retains  
26 jurisdiction to modify an order issued by a tribunal of this state if:

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

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

29                  546-B:50 Recognition of Order Modified in Another State. If a child support order issued by a  
30 tribunal of this state is modified by a tribunal of another state which assumed jurisdiction pursuant  
31 to the Uniform Interstate Family Support Act, a tribunal of this state:

32                   I. May enforce its order that was modified only as to arrears and interest accruing before the  
33 modification;

34                   II. May provide appropriate relief for violations of its order which occurred before the  
35 effective date of the modification; and

36                   III. Shall recognize the modifying order of the other state, upon registration, for the purpose

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1 of enforcement.

2 546-B:51 Jurisdiction to Modify Child Support Order of Another State When Individual Parties  
3 Reside in This State.

4 I. If all of the parties who are individuals reside in this state and the child does not reside in  
5 the issuing state, a tribunal of this state has jurisdiction to enforce and to modify the issuing state’s  
6 child support order in a proceeding to register that order.

7 II. A tribunal of this state exercising jurisdiction under this section shall apply the  
8 provisions of Articles 1 and 2, this article, and the procedural and substantive law of this state to the  
9 proceeding for enforcement or modification. Articles 3, 4, 5, 7, and 8 do not apply.

10 546-B:52 Notice to Issuing Tribunal of Modification. Within 30 days after issuance of a modified  
11 child support order, the party obtaining the modification shall file a certified copy of the order with  
12 the issuing tribunal that had continuing, exclusive jurisdiction over the earlier order, and in each  
13 tribunal in which the party knows the earlier order has been registered. A party who obtains the  
14 order and fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the  
15 issue of failure to file arises. The failure to file does not affect the validity or enforceability of the  
16 modified order of the new tribunal having continuing, exclusive jurisdiction.

17 Part 4

18 Registration and Modification of Foreign Child Support Order

19 546-B:52-a Jurisdiction to Modify Child Support Order of Foreign Country.

20 I. Except as otherwise provided in 546-B:53-j, if a foreign country lacks or refuses to exercise  
21 jurisdiction to modify its child support order pursuant to its laws, a tribunal of this state may  
22 assume jurisdiction to modify the child support order and bind all individuals subject to the personal  
23 jurisdiction of the tribunal whether the consent to modification of a child support order otherwise  
24 required of the individual pursuant to RSA 546-B:49 has been given or whether the individual  
25 seeking modification is a resident of this state or of the foreign country.

26 II. An order issued by a tribunal of this state modifying a foreign child support order  
27 pursuant to this section is the controlling order.

28 546-B:52-b Procedure to Register Child Support Order of Foreign Country for Modification. A party  
29 or support enforcement agency seeking to modify, or to modify and enforce, a foreign child support order  
30 not under the Convention may register that order in this state under RSA 546-B:39 through RSA 546-  
31 B:46 if the order has not been registered. A petition for modification may be filed at the same time as a  
32 request for registration, or at another time. The petition must specify the grounds for modification.

33 ARTICLE 7

34 SUPPORT PROCEEDINGS UNDER CONVENTION

35 546-B:53 Definitions. In this article:

36 I. “Application” means a request under the Convention by an obligee or obligor, or on behalf

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1 of a child, made through a central authority for assistance from another central authority.

2 II. “Central authority” means the entity designated by the United States or a foreign country  
3 described in RSA 546-B:1, V(d) to perform the functions specified in the Convention.

4 III. “Convention support order” means a support order of a tribunal of a foreign country  
5 described in RSA 546-B:1, V(d).

6 IV. “Direct request” means a petition filed by an individual in a tribunal of this state in a  
7 proceeding involving an obligee, obligor, or child residing outside the United States.

8 V. “Foreign central authority” means the entity designated by a foreign country described in  
9 RSA 546-B:1, V(d) to perform the functions specified in the Convention.

10 VI. “Foreign support agreement”:

11 (a) Means an agreement for support in a record that:

12 (1) Is enforceable as a support order in the country of origin;

13 (2) Has been:

14 (A) Formally drawn up or registered as an authentic instrument by a foreign  
15 tribunal; or

16 (B) Authenticated by, or concluded, registered, or filed with a foreign tribunal; and

17 (3) May be reviewed and modified by a foreign tribunal; and

18 (b) Includes a maintenance arrangement or authentic instrument under the Convention.

19 VII. “United States central authority” means the Secretary of the United States Department  
20 of Health and Human Services.

21 546-B:53-a Applicability. This article applies only to a support proceeding under the  
22 Convention. In such a proceeding, if a provision of this article is inconsistent with Articles 1 through  
23 6, this article controls.

24 546-B:53-b Relationship of Department of Health and Human Services to United States Central  
25 Authority. The department of health and human services of this state is recognized as the agency  
26 designated by the United States central authority to perform specific functions under the  
27 Convention.

28 546-B:53-c Initiation by Department of Health and Human Services of Support Proceeding  
29 Under Convention.

30 I. In a support proceeding under this article, the department of health and human services  
31 of this state shall:

32 (a) Transmit and receive applications; and

33 (b) Initiate or facilitate the institution of a proceeding regarding an application in a  
34 tribunal of this state.

35 II. The following support proceedings are available to an obligee under the Convention:

36 (a) Recognition or recognition and enforcement of a foreign support order;

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- 1 (b) Enforcement of a support order issued or recognized in this state;
- 2 (c) Establishment of a support order if there is no existing order, including, if necessary,  
3 determination of parentage of a child;
- 4 (d) Establishment of a support order if recognition of a foreign support order is refused  
5 under RSA 546-B:53-g, II (b), (d), or (i);
- 6 (e) Modification of a support order of a tribunal of this state; and
- 7 (f) Modification of a support order of a tribunal of another state or a foreign country.

8 III. The following support proceedings are available under the Convention to an obligor  
9 against which there is an existing support order:

- 10 (a) Recognition of an order suspending or limiting enforcement of an existing support  
11 order of a tribunal of this state;
- 12 (b) Modification of a support order of a tribunal of this state; and
- 13 (c) Modification of a support order of a tribunal of another state or a foreign country.

14 IV. A tribunal of this state may not require security, bond, or deposit, however described, to  
15 guarantee the payment of costs and expenses in proceedings under the Convention.

16 546-B:53-d Direct Request.

17 I. A petitioner may file a direct request seeking establishment or modification of a support  
18 order or determination of parentage of a child. In the proceeding, the law of this state applies.

19 II. A petitioner may file a direct request seeking recognition and enforcement of a support  
20 order or support agreement. In the proceeding, RSA 546-B:53-e through RSA 546-B:53-l apply.

21 III. In a direct request for recognition and enforcement of a Convention support order or  
22 foreign support agreement:

- 23 (a) A security, bond, or deposit is not required to guarantee the payment of costs and  
24 expenses; and
- 25 (b) An obligee or obligor that in the issuing country has benefited from free legal  
26 assistance is entitled to benefit, at least to the same extent, from any free legal assistance provided  
27 for by the law of this state under the same circumstances.

28 IV. A petitioner filing a direct request is not entitled to assistance from the department of  
29 health and human services.

30 V. This article does not prevent the application of laws of this state that provide simplified,  
31 more expeditious rules regarding a direct request for recognition and enforcement of a foreign  
32 support order or foreign support agreement.

33 546-B:53-e Registration of Convention Support Order.

34 I. Except as otherwise provided in this article, a party who is an individual or a support  
35 enforcement agency seeking recognition of a Convention support order shall register the order in this  
36 state as provided in Article 6.

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1           II. Notwithstanding RSA 546-B:22 and RSA 546-B:40, I, a request for registration of a  
2 Convention support order must be accompanied by:

3           (a) A complete text of the support order;

4           (b) A record stating that the support order is enforceable in the issuing country;

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

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

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

13           (f) If necessary, a record showing the extent to which the applicant received free legal  
14 assistance in the issuing country.

15           III. A request for registration of a Convention support order may seek recognition and  
16 partial enforcement of the order.

17           IV. A tribunal of this state may vacate the registration of a Convention support order  
18 without the filing of a contest under RSA 546-B:53-f only if, acting on its own motion, the tribunal  
19 finds that recognition and enforcement of the order would be manifestly incompatible with public  
20 policy.

21           V. The tribunal shall promptly notify the parties of the registration or the order vacating the  
22 registration of a Convention support order.

23           546-B:53-f Contest of Registered Convention Support Order.

24           I. Except as otherwise provided in this article, RSA 546-B:43 through RSA 546-B:46 apply to  
25 a contest of a registered Convention support order.

26           II. A party contesting a registered Convention support order shall file a contest not later  
27 than 30 days after notice of the registration, but if the contesting party does not reside in the  
28 United States, the contest must be filed not later than 60 days after notice of the registration.

29           III. If the nonregistering party fails to contest the registered Convention support order by  
30 the time specified in paragraph II, the order is enforceable.

31           IV. A contest of a registered Convention support order may be based only on grounds set  
32 forth in RSA 546-B:53-g. The contesting party bears the burden of proof.

33           V. In a contest of a registered Convention support order, a tribunal of this state:

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

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

36           VI. A tribunal of this state deciding a contest of a registered Convention support order shall

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1 promptly notify the parties of its decision.

2 VII. A challenge or appeal, if any, does not stay the enforcement of a Convention support  
3 order unless there are exceptional circumstances.

4 546-B:53-g Recognition and Enforcement of Registered Convention Support Order.

5 I. Except as otherwise provided in paragraph II, a tribunal of this state shall recognize and  
6 enforce a registered Convention support order.

7 II. The following grounds are the only grounds on which a tribunal of this state may refuse  
8 recognition and enforcement of a registered Convention support order:

9 (a) Recognition and enforcement of the order is manifestly incompatible with public  
10 policy, including the failure of the issuing tribunal to observe minimum standards of due process,  
11 which include notice and an opportunity to be heard;

12 (b) The issuing tribunal lacked personal jurisdiction consistent with RSA 546-B:3;

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

14 (d) The order was obtained by fraud in connection with a matter of procedure;

15 (e) A record transmitted in accordance with RSA 546-B:53-e lacks authenticity or  
16 integrity;

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

19 (g) The order is incompatible with a more recent support order involving the same  
20 parties and having the same purpose if the more recent support order is entitled to recognition and  
21 enforcement under this chapter in this state;

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

23 (i) In a case in which the respondent neither appeared nor was represented in the  
24 proceeding in the issuing foreign country:

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

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

30 (j) The order was made in violation of RSA 546-B:53-j.

31 III. If a tribunal of this state does not recognize a Convention support order under  
32 subparagraph II (b), (d), or (i):

33 (a) The tribunal may not dismiss the proceeding without allowing a reasonable time for a  
34 party to request the establishment of a new Convention support order; and

35 (b) The department of health and human services shall take all appropriate measures to  
36 request a child support order for the obligee if the application for recognition and enforcement was

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1 received under RSA 546-B:53-c.

2 546-B:53-h Partial Enforcement. If a tribunal of this state does not recognize and enforce a  
3 Convention support order in its entirety, it shall enforce any severable part of the order. An application  
4 or direct request may seek recognition and partial enforcement of a Convention support order.

5 546-B:53-i Foreign Support Agreement.

6 I. Except as otherwise provided in paragraphs III and IV, a tribunal of this state shall  
7 recognize and enforce a foreign support agreement registered in this state.

8 II. An application or direct request for recognition and enforcement of a foreign support  
9 agreement must be accompanied by:

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

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

13 III. A tribunal of this state may vacate the registration of a foreign support agreement only  
14 if, acting on its own motion, the tribunal finds that recognition and enforcement would be manifestly  
15 incompatible with public policy.

16 IV. In a contest of a foreign support agreement, a tribunal of this state may refuse  
17 recognition and enforcement of the agreement if it finds:

18 (a) Recognition and enforcement of the agreement is manifestly incompatible with public  
19 policy;

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

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

24 (d) The record submitted under paragraph II lacks authenticity or integrity.

25 V. A proceeding for recognition and enforcement of a foreign support agreement must be  
26 suspended during the pendency of a challenge to or appeal of the agreement before a tribunal of  
27 another state or a foreign country.

28 546-B:53-j Modification of Convention Child Support Order.

29 I. A tribunal of this state may not modify a Convention child support order if the obligee  
30 remains a resident of the foreign country where the support order was issued unless:

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

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

36 II. If a tribunal of this state does not modify a Convention child support order because the

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1 order is not recognized in this state, RSA 546-B:53-g, III applies.

2 546-B:53-k Personal Information; Limit on Use. Personal information gathered or transmitted  
3 under this article may be used only for the purposes for which it was gathered or transmitted.

4 546-B:53-l Record Original Language: English Translations. A record filed with a tribunal of  
5 this state under this article must be in the original language and, if not in English, must be  
6 accompanied by an English translation.

7 **ARTICLE 8**

8 **INTERSTATE RENDITION**

9 546-B:54 Grounds for Rendition.

10 I. For purposes of this article, “governor” includes an individual performing the functions of  
11 governor or the executive authority of a state covered by this chapter.

12 II. The governor of this state may:

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

15 (b) On the demand of the governor of another state, surrender an individual found in  
16 this state who is charged criminally in the other state with having failed to provide for the support of  
17 an obligee.

18 III. A provision for extradition of individuals not inconsistent with this chapter applies to the  
19 demand even if the individual whose surrender is demanded was not in the demanding state when  
20 the crime was allegedly committed and has not fled therefrom.

21 546-B:55 Conditions of Rendition.

22 I. Before making a demand that the governor of another state surrender an individual  
23 charged criminally in this state with having failed to provide for the support of an obligee, the  
24 governor of this state may require a prosecutor of this state to demonstrate that at least 60 days  
25 previously, the obligee had initiated proceedings for support pursuant to this chapter or that the  
26 proceeding would be of no avail.

27 II. If, under this chapter or a law substantially similar to this chapter, the governor of  
28 another state makes a demand that the governor of this state surrender an individual charged  
29 criminally in that state with having failed to provide for the support of a child or other individual to  
30 whom a duty of support is owed, the governor may require a prosecutor to investigate the demand  
31 and report whether a proceeding for support has been initiated or would be effective. If it appears  
32 that a proceeding would be effective but has not been initiated, the governor may delay honoring the  
33 demand for a reasonable time to permit the initiation of a proceeding.

34 III. If a proceeding for support has been initiated and the individual whose rendition is  
35 demanded prevails, the governor may decline to honor the demand. If the petitioner prevails and the  
36 individual whose rendition is demanded is subject to a support order, the governor may decline to

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1 honor the demand if the individual is complying with the support order.

2 **ARTICLE 9**

3 **MISCELLANEOUS PROVISIONS**

4 546-B:56 Uniformity of Application and Construction. In applying and construing this uniform  
5 act consideration must be given to the need to promote uniformity of the law with respect to its  
6 subject matter among states that enact it.

7 546-B:57 Rulemaking Authority. The commissioner of the department of health and human  
8 services may adopt rules, pursuant to RSA 541-A, which are deemed necessary for the efficient  
9 administration of the duties with which the department is charged under Title IV-D of the Social  
10 Security Act, as amended, to provide interstate child support services, provided that such rules shall  
11 not be inconsistent with the provisions of this chapter.

12 546-B:58 Transitional Provision. This chapter applies to proceedings begun on or after  
13 January 1, 2016 to establish a support order or determine parentage of a child or to register,  
14 recognize, enforce, or modify a prior support order, determination, or agreement, whenever issued or  
15 entered.

16 546-B:59 Severability Clause. If any provision of this chapter or its application to any person or  
17 circumstance is held invalid, the invalidity does not affect other provisions or applications of this  
18 chapter which can be given effect without the invalid provision or application, and to this end the  
19 provisions of this chapter are severable.

20 75:2 Effective date. This act shall take effect January 1, 2016.

21  
22 Approved: June 2, 2015

23 Effective Date: January 1, 2016