

Judiciary 131

SENATE FILE 38 *131/11*

Judiciary
Rush, Chairperson
Ashcraft
Shaw

FILED JAN 9 1977

SENATE FILE 38

By DODERER

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to jurisdiction under the uniform support
2 of dependents law.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Chapter two hundred fifty-two A (252A), Code
2 1977, is amended by adding sections two (2) through five (5)
3 of this Act.

4 Sec. 2. NEW SECTION. ADDITIONAL REMEDIES. If the du-
5 ty of support is based on a support order entered in a foreign
6 jurisdiction the petitioner has the additional remedies pro-
7 vided in sections three (3) through five (5) of this Act.

8 Sec. 3. NEW SECTION. REGISTRATION--ESTABLISHMENT OF
9 REGISTRY. The petitioner may register the foreign support
10 order in a court of this state in the manner and with the
11 effect provided in sections four (4) and five (5) of this
12 Act. The clerk of the court shall maintain a registry of
13 foreign support orders in which foreign support orders shall
14 be filed.

15 Sec. 4. NEW SECTION. REGISTRATION PROCEDURE--NOTICE.

16 1. A petitioner seeking to register a foreign support
17 order in a court of this state shall transmit to the clerk
18 of the court three certified copies of the order reflecting
19 all modifications, one copy of the reciprocal enforcement
20 of support act of the state in which the order was made, and
21 a statement verified and signed by the petitioner, showing
22 the post office address of the petitioner, the last known
23 place of residence and post office address of the respondent,
24 the amount of support remaining unpaid, a description and
25 the location of any property of the respondent available upon
26 execution, and a list of the states in which the order is
27 registered. Upon receipt of these documents the clerk of
28 the court, without payment of a filing fee or other cost to
29 the petitioner, shall file them in the registry of foreign
30 support orders. The filing constitutes registration under
31 this Act.

32 2. Promptly upon registration, the clerk of the court
33 shall send by certified or registered mail to the respondent
34 at the address given a notice of the registration with a copy
35 of the registered support order and the post office address

1 of the petitioner. The clerk shall also docket the case and
2 notify the prosecuting attorney of the action. The pro-
3 secuting attorney shall proceed diligently to enforce the
4 order.

5 Sec. 5. NEW SECTION. EFFECT OF REGISTRATION--ENFORCE-
6 MENT PROCEDURE.

7 1. Upon registration the registered foreign support or-
8 der shall be treated in the same manner as a support order
9 issued by a court of this state. The order shall have the
10 same effect and shall be subject to the same procedures, de-
11 fenses, and proceedings for reopening, vacating, or staying
12 as a support order of this state and may be enforced and
13 satisfied in like manner.

14 2. The respondent shall have twenty days after the mailing
15 of notice of the registration in which to petition the court
16 to vacate the registration or for other relief. If the re-
17 spondent does not so petition the registered support order
18 is confirmed.

19 3. At the hearing to enforce the registered support or-
20 der the respondent may present only matters that would be
21 available to the respondent as defenses in an action to en-
22 force a foreign money judgment. If the respondent shows to
23 the court that an appeal from the order is pending or will
24 be taken or that a stay of execution has been granted, the
25 court shall stay enforcement of the order until the appeal
26 is concluded, the time for appeal has expired, or the order
27 is vacated, upon satisfactory proof that the respondent has
28 furnished security for payment of the support ordered as re-
29 quired by the rendering state. If the respondent shows to
30 the court any ground upon which enforcement of a support or-
31 der of this state may be stayed the court shall stay enforce-
32 ment of the order for an appropriate period if the respondent
33 furnishes the same security for payment of the support ordered
34 that is required for a support order of this state.

35 Sec. 6. Section two hundred fifty-two A point one (252A.1),

1 Code 1977, is amended by adding the following new subsections:
2 NEW SUBSECTION. "Register" means to file a foreign sup-
3 port order in the registry of foreign support orders maintained
4 by the clerk of court.

5 NEW SUBSECTION. "Rendering state" means a state in which
6 the court has issued a support order for which registration
7 is sought or granted in the court of another state.

8 Sec. 7. Section two hundred fifty-two A point two (252A.2),
9 subsection one (1), Code 1977, is amended to read as follows:

10 1. "State" ~~shall mean and include~~ means any state, terri-
11 tory or possession of the United States and, the District
12 of Columbia, the Commonwealth of Puerto Rico, and any foreign
13 jurisdiction in which this or a similar reciprocal law is
14 in effect.

15 Sec. 8. This Act is effective January 1, 1978.

16 EXPLANATION

17 This bill incorporates certain amendments made in 1968
18 by the Conference of Commissioners on Uniform State Laws to
19 the Uniform Reciprocal Enforcement of Support Act into Iowa's
20 version--the Uniform Support of Dependents Law. The amendments
21 provide a procedure through which the state could enforce
22 support orders issued by foreign jurisdictions which have
23 agreed to such reciprocity. Canada is one foreign juris-
24 diction which has agreed to the reciprocal enforcement of
25 support orders.

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