

103D CONGRESS  
2D SESSION

**S. 922**

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**AN ACT**

To provide that a State court may not modify an order of another State court requiring the payment of child support unless the recipient of child support payments resides in the State in which the modification is sought or consents to the seeking of the modification in that court.

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To provide that a State court may not modify an order of another State court requiring the payment of child support unless the recipient of child support payments resides in the State in which the modification is sought or consents to the seeking of the modification in that court.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

3        **SECTION 1. SHORT TITLE.**

4        This Act may be cited as the “Full Faith and Credit  
5        for Child Support Orders Act”.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—The Congress finds that—

3 (1) there is a large and growing number of  
4 child support cases annually involving disputes be-  
5 tween parents who reside in different States;

6 (2) the laws by which the courts of different ju-  
7 risdictions determine their authority to establish  
8 child support orders are not uniform;

9 (3) those laws, along with the limits imposed by  
10 the Federal system on the authority of each State to  
11 take certain actions outside its own boundaries—

12 (A) encourage noncustodial parents to relo-  
13 cate outside the States where their children and  
14 the custodial parents reside to avoid the juris-  
15 diction of the courts of such States, resulting in  
16 an increase in the amount of interstate travel  
17 and communication required to establish and  
18 collect on child support orders and a burden on  
19 custodial parents that is expensive, time con-  
20 suming, and disruptive of occupations and com-  
21 mercial activity;

22 (B) contribute to the pressing problem of  
23 relatively low levels of child support payments  
24 in interstate cases and to inequities in child  
25 support payments levels that are based solely on  
26 the noncustodial parent's choice of residence;

1 (C) encourage a disregard of court orders  
2 resulting in massive arrearages nationwide;

3 (D) allow noncustodial parents to avoid the  
4 payment of regularly scheduled child support  
5 payments for extensive periods of time, result-  
6 ing in substantial hardship for the children for  
7 whom support is due and for their custodians;  
8 and

9 (E) lead to the excessive relitigation of  
10 cases and to the establishment of conflicting or-  
11 ders by the courts of various jurisdictions, re-  
12 sulting in confusion, waste of judicial resources,  
13 disrespect for the courts, and a diminution of  
14 public confidence in the rule of law; and

15 (4) among the results of the conditions de-  
16 scribed in this subsection are—

17 (A) the failure of the courts of the States  
18 to give full faith and credit to the judicial pro-  
19 ceedings of the other States;

20 (B) the deprivation of rights of liberty and  
21 property without due process of law;

22 (C) burdens on commerce among the  
23 States; and

24 (D) harm to the welfare of children and  
25 their parents and other custodians.

1 (b) STATEMENT OF POLICY.—In view of the findings  
 2 made in subsection (a), it is necessary to establish national  
 3 standards under which the courts of the various States  
 4 shall determine their jurisdiction to issue a child support  
 5 order and the effect to be given by each State to child  
 6 support orders issued by the courts of other States.

7 (c) PURPOSES.—The purposes of this Act are—

8 (1) to facilitate the enforcement of child sup-  
 9 port orders among the States;

10 (2) to discourage continuing interstate con-  
 11 troversies over child support in the interest of great-  
 12 er financial stability and secure family relationships  
 13 for the child; and

14 (3) to avoid jurisdictional competition and con-  
 15 flict among State courts in the establishment of  
 16 child support orders.

17 **SEC. 3. FULL FAITH AND CREDIT FOR CHILD SUPPORT**  
 18 **ORDERS.**

19 (a) IN GENERAL.—Chapter 115 of title 28, United  
 20 States Code, is amended by inserting after section 1738A  
 21 the following new section:

22 **“§1738B. Full faith and credit for child support or-**  
 23 **ders**

24 “(a) GENERAL RULE.—The appropriate authorities  
 25 of each State—

1           “(1) shall enforce according to its terms a child  
2 support order made consistently with this section by  
3 a court of another State; and

4           “(2) shall not seek or make a modification of  
5 such an order except in accordance with subsection  
6 (e).

7           “(b) DEFINITIONS.—In this section:

8           “‘child’ means—

9           “(A) a person under 18 years of age; and

10           “(B) a person 18 or more years of age  
11 with respect to whom a child support order has  
12 been issued pursuant to the laws of a State.

13           “‘child’s State’ means the State in which a  
14 child resides.

15           “‘child support’ means a payment of money,  
16 continuing support, or arrearages or the provision of  
17 a benefit (including payment of health insurance,  
18 child care, and educational expenses) for the support  
19 of a child.

20           “‘child support order’—

21           “(A) means a judgment, decree, or order  
22 of a court requiring the payment of child sup-  
23 port in periodic amounts or in a lump sum; and

24           “(B) includes—

1                   “(i) a permanent or temporary order;

2                   and

3                   “(ii) an initial order or a modification

4                   of an order.

5                   “‘contestant’ means—

6                   “(A) a person (including a parent) who—

7                   “(i) claims a right to receive child  
8                   support;

9                   “(ii) is a party to a proceeding that  
10                  may result in the issuance of a child sup-  
11                  port order; or

12                  “(iii) is under a child support order;

13                  and

14                  “(B) a State or political subdivision of a  
15                  State to which the right to obtain child support  
16                  has been assigned.

17                  “‘court’ means a court or administrative agen-  
18                  cy of a State that is authorized by State law to es-  
19                  tablish the amount of child support payable by a  
20                  contestant or make a modification of a child support  
21                  order.

22                  “‘modification’ means a change in a child sup-  
23                  port order that affects the amount, scope, or dura-  
24                  tion of the order and modifies, replaces, supersedes,

1 or otherwise is made subsequent to the child support  
2 order.

3 “‘State’ means a State of the United States,  
4 the District of Columbia, the Commonwealth of  
5 Puerto Rico, the territories and possessions of the  
6 United States, and Indian country (as defined in  
7 section 1151 of title 18).

8 “(c) REQUIREMENTS OF CHILD SUPPORT ORDERS.—  
9 A child support order made is made consistently with this  
10 section if—

11 “(1) a court that makes the order, pursuant to  
12 the laws of the State in which the court is located—

13 “(A) has subject matter jurisdiction to  
14 hear the matter and enter such an order; and

15 “(B) has personal jurisdiction over the  
16 contestants; and

17 “(2) reasonable notice and opportunity to be  
18 heard is given to the contestants.

19 “(d) CONTINUING JURISDICTION.—A court of a  
20 State that has made a child support order consistently  
21 with this section has continuing, exclusive jurisdiction over  
22 the order if the State is the child’s State or the residence  
23 of any contestant unless the court of another State, acting  
24 in accordance with subsection (e), has made a modification  
25 of the order.



1       “(e) AUTHORITY TO MODIFY ORDERS.—A court of  
2 a State may make a modification of a child support order  
3 with respect to a child that is made by a court of another  
4 State if—

5           “(1) the court has jurisdiction to make such a  
6 child support order; and

7           “(2)(A) the court of the other State no longer  
8 has continuing, exclusive jurisdiction of the child  
9 support order because that State no longer is the  
10 child’s State or the residence of any contestant; or

11           “(B) each contestant has filed written consent  
12 to that court’s making the modification and assum-  
13 ing continuing, exclusive jurisdiction over the order.

14       “(f) ENFORCEMENT OF PRIOR ORDERS.—A court of  
15 a State that no longer has continuing, exclusive jurisdic-  
16 tion of a child support order may enforce the order with  
17 respect to nonmodifiable obligations and unsatisfied obli-  
18 gations that accrued before the date on which a modifica-  
19 tion of the order is made under subsection (e).

20       “(g) CHOICE OF LAW.—

21           “(1) IN GENERAL.—In a proceeding to estab-  
22 lish, modify, or enforce a child support order, the  
23 forum State’s law shall apply except as provided in  
24 paragraphs (2) and (3).

1           “(2) LAW OF STATE OF ISSUANCE OF ORDER.—  
2           In interpreting a child support order, a court shall  
3           apply the law of the State of the court that issued  
4           the order.

5           “(3) PERIOD OF LIMITATION.—In an action to  
6           enforce a child support order, a court shall apply the  
7           statute of limitation of the forum State or the State  
8           of the court that issued the order, whichever statute  
9           provides the longer period of limitation.”.

10          (b) TECHNICAL AMENDMENT.—The chapter analysis  
11          for chapter 115 of title 28, United States Code, is amend-  
12          ed by inserting after the item relating to section 1738A  
13          the following new item:

“1738B. Full faith and credit for child support orders.”.

        Passed the Senate September 27 (legislative day,  
September 12), 1994.

Attest:

*Secretary.*