

103^D CONGRESS
1ST SESSION

S. 922

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.

IN THE SENATE OF THE UNITED STATES

MAY 6 (legislative day, APRIL 19), 1993

Ms. MOSELEY-BRAUN introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

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**
 23 **orders**

24 “(a) DEFINITIONS.—In this section—

25 “(1) ‘child’ means—

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

2 “(B) a person 18 or more years of age
3 with respect to whom a child support order has
4 been issued pursuant to the laws of a State;

5 “(2) ‘child’s State’ means the State in which a
6 child resides;

7 “(3) ‘child support’ means a payment of money,
8 continuing support, or arrearages or the provision of
9 a benefit (including health insurance) for the sup-
10 port of a child;

11 “(4) ‘child support order’—

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

15 “(B) includes—

16 “(i) a permanent or temporary order;
17 and

18 “(ii) an initial order or a modification
19 of an order;

20 “(5) ‘contestant’ means—

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

22 “(i) claims a right to receive child
23 support;

1 “(ii) is a party to a proceeding that
2 may result in the issuance of a child sup-
3 port order; or

4 “(iii) is under a child support order;
5 and

6 “(B) a State or political subdivision of a
7 State to which the right to obtain a child sup-
8 port order has been assigned;

9 “(6) ‘court’ means a court, administrative proc-
10 ess, or quasi-judicial process of a State that is au-
11 thorized by State law to establish the amount of
12 child support payable by a contestant or make a
13 modification of a child support order;

14 “(7) ‘modification’ means a change in a child
15 support order that affects the amount, scope, or du-
16 ration of the order and modifies, replaces, super-
17 sedes, or otherwise is made subsequent to the child
18 support order; and

19 “(8) ‘State’ means a State of the United
20 States, the District of Columbia, the Commonwealth
21 of Puerto Rico, the territories and possessions of the
22 United States, and Indian country (as defined in
23 section 1151 of title 18).

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

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

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

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

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

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

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

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

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