

103^D CONGRESS
1ST SESSION

H. R. 454

IN THE SENATE OF THE UNITED STATES

AUGUST 3 (legislative day, JUNE 30), 1993

Received; read twice and referred to the Committee on the Judiciary

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 seeking the modification in such other State 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 these jurisdic-
7 tions determine their authority to establish child
8 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 jurisdic-
15 tion 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 which are based solely
26 on 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 these conditions is the
16 failure of the courts of the States to give full faith
17 and credit to the judicial proceedings of the other
18 States, the deprivation of rights of liberty and prop-
19 erty without due process of law, burdens on com-
20 merce among the States, and harm to the welfare of
21 children and their parents and other custodians.

22 (b) STATEMENT OF POLICY.—For the reasons set
23 forth in subsection (a), it is necessary to establish national
24 standards under which the courts of different States will
25 determine their jurisdiction to issue a child support order

1 and the effect to be given by each State to child support
2 orders issued by the courts of other States.

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

4 (1) facilitate the enforcement of child support
5 orders among the States;

6 (2) discourage continuing interstate controver-
7 sies over child support in the interest of greater fi-
8 nancial stability and secure family relationships for
9 the child; and

10 (3) avoid jurisdictional competition and conflict
11 among State courts in the establishment of child
12 support orders.

13 **SEC. 3. FULL FAITH AND CREDIT GIVEN TO CHILD SUP-**
14 **PORT ORDERS.**

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

18 **“§ 1738B. Full faith and credit given to child support**
19 **orders**

20 “(a) GENERAL RULE.—The appropriate authorities
21 of each State shall enforce according to its terms, and
22 shall not modify except as provided in subsection (e), any
23 child support order made consistently with the provisions
24 of this section by a court of another State.

1 “(b) DEFINITIONS.—As used in this section, the
2 term—

3 “(1) ‘child’ means any person under 18 years of
4 age, and includes an individual 18 or more years of
5 age for whom a child support order has been issued
6 pursuant to the laws of a State;

7 “(2) ‘child’s State’ means the State in which a
8 child currently resides;

9 “(3) ‘child support order’ means a judgment,
10 decree, or order of a court requiring the payment of
11 money, or the provision of a benefit, including health
12 insurance, whether in periodic amounts or lump
13 sum, for the support of a child and includes perma-
14 nent and temporary orders, initial orders and modi-
15 fications, ongoing support, reimbursements, and
16 arrearages;

17 “(4) ‘child support’ means a payment of money
18 or provision of a benefit described in paragraph (3)
19 for the support of a child;

20 “(5) ‘contestant’ means a person, including a
21 parent, who claims a right to receive child support
22 or is under a child support order, and the term ‘con-
23 testant’ includes States and political subdivisions to
24 whom the right to obtain child support has been
25 assigned;

1 “(6) ‘court’ means a court or administrative
2 agency of a State which is authorized by State law
3 to establish the amount of child support payable by
4 a contestant or modify the amount of child support
5 payable by a contestant;

6 “(7) ‘modification’ and ‘modify’ refer to a
7 change in a child support order which affects the
8 amount, scope, or duration of such order and modi-
9 fies, replaces, supersedes, or otherwise is made sub-
10 sequent to such child support order, whether or not
11 made by the same court as such child support order;
12 and

13 “(8) ‘State’ means a State of the United
14 States, the District of Columbia, the Commonwealth
15 of Puerto Rico, the territories and possessions of the
16 United States, and Indian country as defined in sec-
17 tion 1151 of title 18.

18 “(c) REQUIREMENTS OF CHILD SUPPORT ORDERS.—
19 A child support order made by a court of a State is con-
20 sistent with the provisions of this section only if—

21 “(1) such court, pursuant to the laws of the
22 State in which such court is located, had jurisdiction
23 to hear the matter and enter such an order and had
24 personal jurisdiction over the contestants; and

1 “(2) reasonable notice and opportunity to be
2 heard was given to the contestants.

3 “(d) CONTINUING JURISDICTION.—A court of a
4 State which has made a child support order consistently
5 with the provisions of this section has continuing, exclusive
6 jurisdiction of that order when such State is the child’s
7 State or the residence of any individual who is a contest-
8 ant unless another State, acting in accordance with sub-
9 section (e), has modified that order.

10 “(e) AUTHORITY TO MODIFY ORDERS.—A court of
11 a State may modify a child support order with respect to
12 a child that is made by a court of another State, if—

13 “(1) it has jurisdiction to make such a child
14 support order; and

15 “(2) the court of the other State no longer has
16 continuing, exclusive jurisdiction of the child support
17 order because such State no longer is the child’s
18 State or the residence of any individual who is a
19 contestant, or each contestant has filed written con-
20 sent for the State to modify the order and assume
21 continuing, exclusive jurisdiction of such order.

22 “(f) ENFORCEMENT OF PRIOR ORDERS.—A court of
23 a State which no longer has continuing, exclusive jurisdic-
24 tion of a child support order may enforce such order with
25 respect to nonmodifiable obligations, and with respect to

1 unsatisfied obligations which accrued before the date on
2 which a modification of such order is made under sub-
3 section (e).”.

4 (b) CONFORMING AMENDMENT.—The table of sec-
5 tions at the beginning of chapter 115 of title 28, United
6 States Code, is amended by inserting after the item relat-
7 ing to section 1738A the following:

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

8 **SEC. 4. DEFINITION.**

9 As used in section 2, the term “State” has the mean-
10 ing given that term in section 1738B(b) of title 28, United
11 States Code, as added by section 3 of this Act.

Passed the House of Representatives August 2,
1993.

Attest: DONNALD K. ANDERSON,
Clerk.