

**Union Calendar No. 117**

103D CONGRESS  
1ST SESSION

**H. R. 454**

**[Report No. 103-206]**

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**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 seeking the modification in such other State court.

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AUGUST 2, 1993

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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### IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 1993

Mr. FRANK of Massachusetts introduced the following bill; which was referred to the Committee on the Judiciary

AUGUST 2, 1993

Additional sponsors: Ms. WOOLSEY, Mr. MEEHAN, and Mr. KLECZKA

AUGUST 2, 1993

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on January 6, 1993]

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## 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 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”.*

6 **SEC. 2. FINDINGS AND PURPOSES.**

7        (a) *FINDINGS.*—*The Congress finds that—*

8                (1) *there is a large and growing number of child*  
9 *support cases annually involving disputes between*  
10 *parents who reside in different States;*

11                (2) *the laws by which the courts of these jurisdic-*  
12 *tions determine their authority to establish child sup-*  
13 *port orders are not uniform;*

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

17                        (A) *encourage noncustodial parents to relo-*  
18 *cate outside the States where their children and*  
19 *the custodial parents reside to avoid the jurisdic-*  
20 *tion of the courts of such States, resulting in an*  
21 *increase in the amount of interstate travel and*  
22 *communication required to establish and collect*  
23 *on child support orders and a burden on custo-*  
24 *dial parents that is expensive, time consuming,*

1           *and disruptive of occupations and commercial*  
2           *activity;*

3           *(B) contribute to the pressing problem of*  
4           *relatively low levels of child support payments in*  
5           *interstate cases and to inequities in child sup-*  
6           *port payments levels which are based solely on*  
7           *the non custodial parent's choice of residence;*

8           *(C) encourage a disregard of court orders*  
9           *resulting in massive arrearages nationwide;*

10           *(D) allow noncustodial parents to avoid the*  
11           *payment of regularly scheduled child support*  
12           *payments for extensive periods of time, resulting*  
13           *in substantial hardship for the children for*  
14           *whom support is due and for their custodians;*  
15           *and*

16           *(E) lead to the excessive relitigation of cases*  
17           *and to the establishment of conflicting orders by*  
18           *the courts of various jurisdictions, resulting in*  
19           *confusion, waste of judicial resources, disrespect*  
20           *for the courts, and a diminution of public con-*  
21           *fidence in the rule of law; and*

22           *(4) among the results of these conditions is the*  
23           *failure of the courts of the States to give full faith and*  
24           *credit to the judicial proceedings of the other States,*  
25           *the deprivation of rights of liberty and property with-*

1        *out due process of law, burdens on commerce among*  
2        *the States, and harm to the welfare of children and*  
3        *their parents and other custodians.*

4        *(b) STATEMENT OF POLICY.—For the reasons set forth*  
5        *in subsection (a), it is necessary to establish national stand-*  
6        *ards under which the courts of different States will deter-*  
7        *mine their jurisdiction to issue a child support order and*  
8        *the effect to be given by each State to child support orders*  
9        *issued by the courts of other States.*

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

11                *(1) facilitate the enforcement of child support or-*  
12                *ders among the States;*

13                *(2) discourage continuing interstate controversies*  
14                *over child support in the interest of greater financial*  
15                *stability and secure family relationships for the child;*  
16                *and*

17                *(3) avoid jurisdictional competition and conflict*  
18                *among State courts in the establishment of child sup-*  
19                *port orders.*

20        **SEC. 3. FULL FAITH AND CREDIT GIVEN TO CHILD SUPPORT**  
21                                **ORDERS.**

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

1 **“§ 1738B. Full faith and credit given to child support**  
2 **orders**

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

8 “(b) *DEFINITIONS.*—As used in this section, the  
9 term—

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

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

16 “(3) ‘child support order’ means a judgment, de-  
17 cree, or order of a court requiring the payment of  
18 money, or the provision of a benefit, including health  
19 insurance, whether in periodic amounts or lump sum,  
20 for the support of a child and includes permanent  
21 and temporary orders, initial orders and modifica-  
22 tions, ongoing support, reimbursements, and arrear-  
23 ages;

24 “(4) ‘child support’ means a payment of money  
25 or provision of a benefit described in paragraph (3)  
26 for the support of a child;

1           “(5) ‘contestant’ means a person, including a  
2           parent, who claims a right to receive child support or  
3           is under a child support order, and the term ‘contest-  
4           ant’ includes States and political subdivisions to  
5           whom the right to obtain child support has been as-  
6           signed;

7           “(6) ‘court’ means a court or administrative  
8           agency of a State which is authorized by State law  
9           to establish the amount of child support payable by  
10          a contestant or modify the amount of child support  
11          payable by a contestant;

12          “(7) ‘modification’ and ‘modify’ refer to a  
13          change in a child support order which affects the  
14          amount, scope, or duration of such order and modi-  
15          fies, replaces, supersedes, or otherwise is made subse-  
16          quent to such child support order, whether or not  
17          made by the same court as such child support order;  
18          and

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

1       “(c) *REQUIREMENTS OF CHILD SUPPORT ORDERS.*—  
2 *A child support order made by a court of a State is consist-*  
3 *ent with the provisions of this section only if—*

4               “(1) *such court, pursuant to the laws of the State*  
5 *in which such court is located, had jurisdiction to*  
6 *hear the matter and enter such an order and had per-*  
7 *sonal jurisdiction over the contestants; and*

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

10       “(d) *CONTINUING JURISDICTION.*—*A court of a State*  
11 *which has made a child support order consistently with the*  
12 *provisions of this section has continuing, exclusive jurisdic-*  
13 *tion of that order when such State is the child’s State or*  
14 *the residence of any individual who is a contestant unless*  
15 *another State, acting in accordance with subsection (e), has*  
16 *modified that order.*

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

20               “(1) *it has jurisdiction to make such a child sup-*  
21 *port order; and*

22               “(2) *the court of the other State no longer has*  
23 *continuing, exclusive jurisdiction of the child support*  
24 *order because such State no longer is the child’s State*  
25 *or the residence of any individual who is a contest-*

1        *ant, or each contestant has filed written consent for*  
2        *the State to modify the order and assume continuing,*  
3        *exclusive jurisdiction of such order.*

4        *“(f) ENFORCEMENT OF PRIOR ORDERS.—A court of*  
5        *a State which no longer has continuing, exclusive jurisdic-*  
6        *tion of a child support order may enforce such order with*  
7        *respect to nonmodifiable obligations, and with respect to*  
8        *unsatisfied obligations which accrued before the date on*  
9        *which a modification of such order is made under sub-*  
10       *section (e).”.*

11       *(b) CONFORMING AMENDMENT.—The table of sections*  
12       *at the beginning of chapter 115 of title 28, United States*  
13       *Code, is amended by inserting after the item relating to*  
14       *section 1738A the following:*

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

15       **SEC. 4. DEFINITION.**

16       *As used in section 2, the term “State” has the meaning*  
17       *given that term in section 1738B(b) of title 28, United*  
18       *States Code, as added by section 3 of this Act.*