

104TH CONGRESS
1ST SESSION

H. R. 278

To establish the Federal right of every unemancipated child to be supported by such child's parent or parents and, therefore, to confer upon certain local courts of the District of Columbia and every State and territory of the United States jurisdiction to enforce such right regardless of such child's residence.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 1995

Mr. JACOBS introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To establish the Federal right of every unemancipated child to be supported by such child's parent or parents and, therefore, to confer upon certain local courts of the District of Columbia and every State and territory of the United States jurisdiction to enforce such right regardless of such child's residence.

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 "Federal Support Pay-
5 ment Act".

1 **SEC. 2. DECLARATIONS OF CONGRESS.**

2 (a) RIGHT TO SUPPORT.—The Congress hereby de-
3 clares that every unemancipated child has a natural,
4 moral, social, and Federal right to be supported by such
5 child's parent or parents and that such right transcends
6 the status of debt.

7 (b) EFFECT OF EXERCISE OF RIGHT TO TRAVEL.—
8 The Congress further declares that while sound national
9 policy requires that migration throughout the United
10 States be unrestricted, experience has disclosed that in the
11 exercise of the right of migration and travel many individ-
12 uals leave behind them dependent and neglected children;
13 and that although the courts of the State in which such
14 children reside may have properly ordered an individual
15 to meet his or her natural, moral, social, and Federal obli-
16 gation to such children, once such individual has traveled
17 to another State such individual has a practical sanctuary
18 against jurisdiction of the original State of residence.

19 (c) INSTANCES OF DEPARTURE PRECEDING COURT
20 JURISDICTION.—The Congress further declares that in
21 other instances the departure preceded acquisition of ju-
22 risdiction over the individual by courts of the original
23 State with like result.

24 (d) CHILD SUPPORT ENFORCEMENT AMENDMENTS
25 OF 1984 WERE SIGNIFICANT STEPS.—In enacting the
26 Child Support Enforcement Amendments of 1984 the

1 Congress took significant steps to assist children in ob-
2 taining needed financial support from their parents re-
3 gardless of their circumstances, but many of the evils out-
4 lined above remain.

5 (e) POLICY.—It is the policy of Congress in this Act
6 to correct these evils—

7 (1) by requiring that orders of State courts di-
8 recting individuals to meet their natural, moral, so-
9 cial, and Federal obligations to such children shall
10 be enforced in the State courts in areas to which
11 such individuals have migrated from the original ju-
12 risdiction within the United States; and

13 (2) by giving State courts, in States to which
14 such individuals have migrated, original jurisdiction
15 in suits brought by citizens of other States to order
16 such migrants to meet such obligations, to the end
17 that such children will not suffer want or be made
18 the objects of public welfare and thus become an un-
19 necessary burden to the general public and be them-
20 selves thereby humiliated.

21 **SEC. 3. ENFORCEMENT OF STATE COURT ORDERS.**

22 (a) IN GENERAL.—Part VI of title 28, United States
23 Code, is amended by adding at the end thereof the follow-
24 ing new chapter:

1 **“CHAPTER 180.—ENFORCEMENT OF STATE**
2 **COURT SUPPORT ORDERS**

“Sec.

“3801. Definitions.

“3802. Registration of support orders.

“3803. Enforcement.

“3804. Notice to original court.

3 **“§ 3801. Definitions**

4 “As used in this chapter—

5 “(1) the term ‘support order’ means an order of
6 a State court having jurisdiction over an individual,
7 directing such individual to make payments periodi-
8 cally to (or for the support of) such individual’s
9 child (whether the issue of such individual’s body, le-
10 gitimate or illegitimate, or adopted);

11 “(2) the term ‘obligor’, with respect to a sup-
12 port order, means an individual who is directed to
13 make payments under the order;

14 “(3) the term ‘obligee’ means any individual to
15 whom the proceeds of a support order are payable
16 for such individual, or for the use or benefit of an-
17 other individual, or such other individual’s guardian
18 or guardian ad litem;

19 “(4) the term ‘original court’, with respect to a
20 support order, means the court in which the order
21 was made;

22 “(5) the term ‘State’ includes the territories
23 and the District of Columbia; and

1 “(6) the term ‘registered’, with respect to a
2 support order, means registered under section 3102
3 of this title.

4 **“§ 3802. Registration of support orders**

5 “Any obligee of a support order may register the
6 order in any court of any State in which an obligor of
7 the order resides, if the court is located outside the State
8 in which the order was made, and has jurisdiction to issue
9 support orders. Registration shall be accomplished by fil-
10 ing with the clerk of the court a certified copy of the sup-
11 port order and of each order of the original court modify-
12 ing the support order.

13 **“§ 3803. Enforcement**

14 “(a) Any court in which a support order is registered
15 shall entertain contempt proceedings, in the same manner
16 as if the order were an order of such court, against an
17 obligor who fails to comply with the order within thirty
18 days after being served notice that it has been registered.

19 “(b) No proceedings to enforce a support order shall
20 be begun in any court under this section unless a copy
21 of each order of the original court modifying the support
22 order is registered under section 3102 of this title.

23 “(c) The cost of enforcement proceedings under this
24 section shall be taxed against the party against whom the
25 issues are resolved. The obligor shall be required to pay

1 a reasonable attorney fee to the obligee if the court finds
 2 the proceedings were necessary to compel the obligor to
 3 comply with the support order.

4 **“§ 3804. Notice to original court**

5 “When, in any court, any support order is registered
 6 under section 3102 of this title or any proceedings are
 7 taken under section 3103 of this title to enforce a support
 8 order, written notice of such action under the seal of such
 9 court shall be sent to the original court.”.

10 (b) CLERICAL AMENDMENT.—The table of chapters
 11 for part VI of title 28, United States Code, is amended
 12 by adding at the end thereof the following new item:

“180. Enforcement of State Court Support Orders 3801”.

13 **SEC. 4. STATE COURT JURISDICTION.**

14 Section 1332 of title 28, United States Code, is
 15 amended by adding at the end the following new sub-
 16 section:

17 “(e) State courts shall have original jurisdiction of
 18 civil actions brought by a citizen of another State to order
 19 a citizen of the State in which the court is located to make
 20 payments periodically to (or for the support of) such citi-
 21 zen’s child (whether the issue of such citizen’s body, legiti-
 22 mate or illegitimate, or adopted) if under the law of such
 23 State a State court is authorized to make such an order,
 24 as an incident to a divorce proceeding or otherwise.”.